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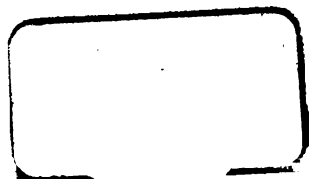
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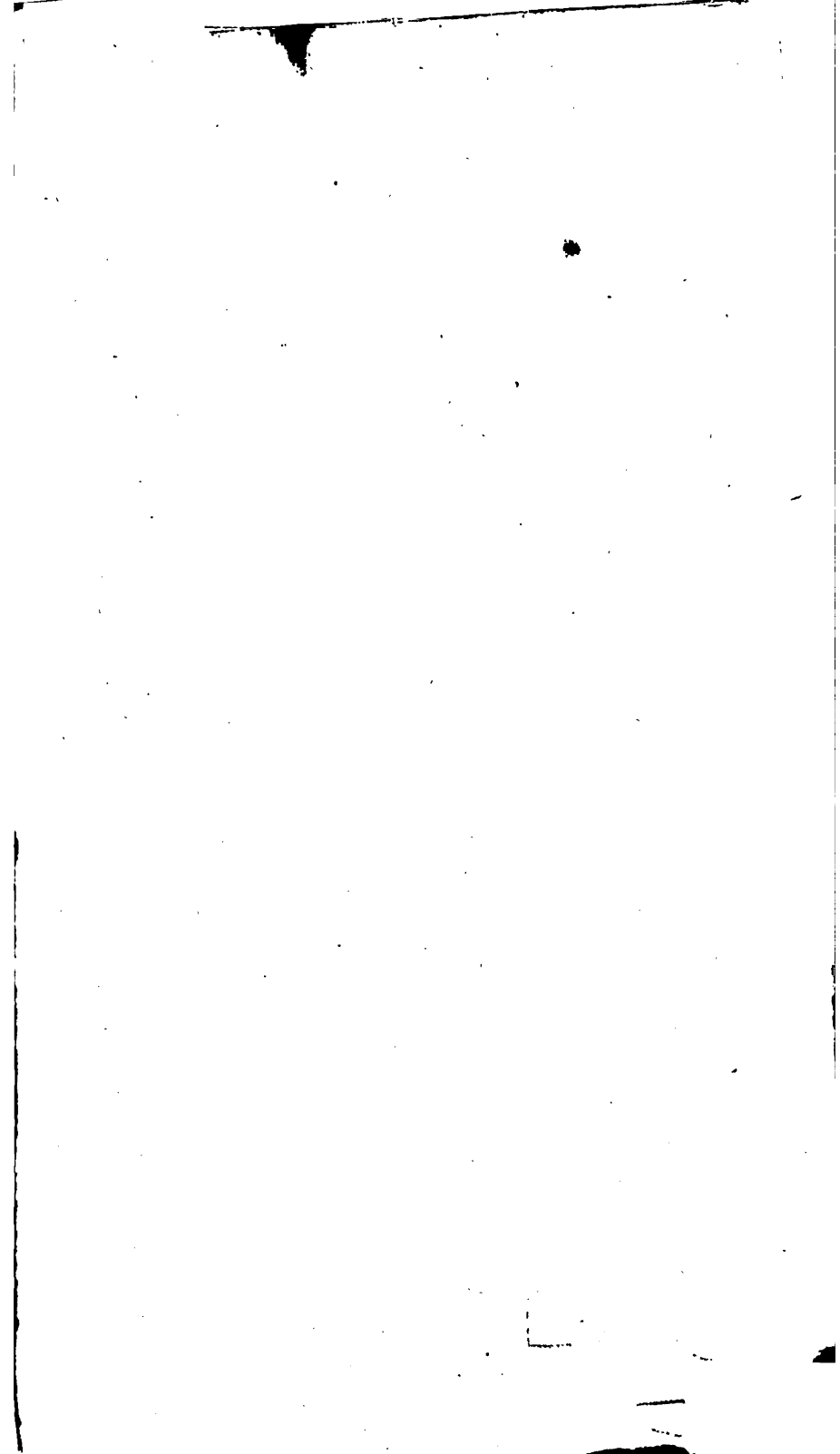
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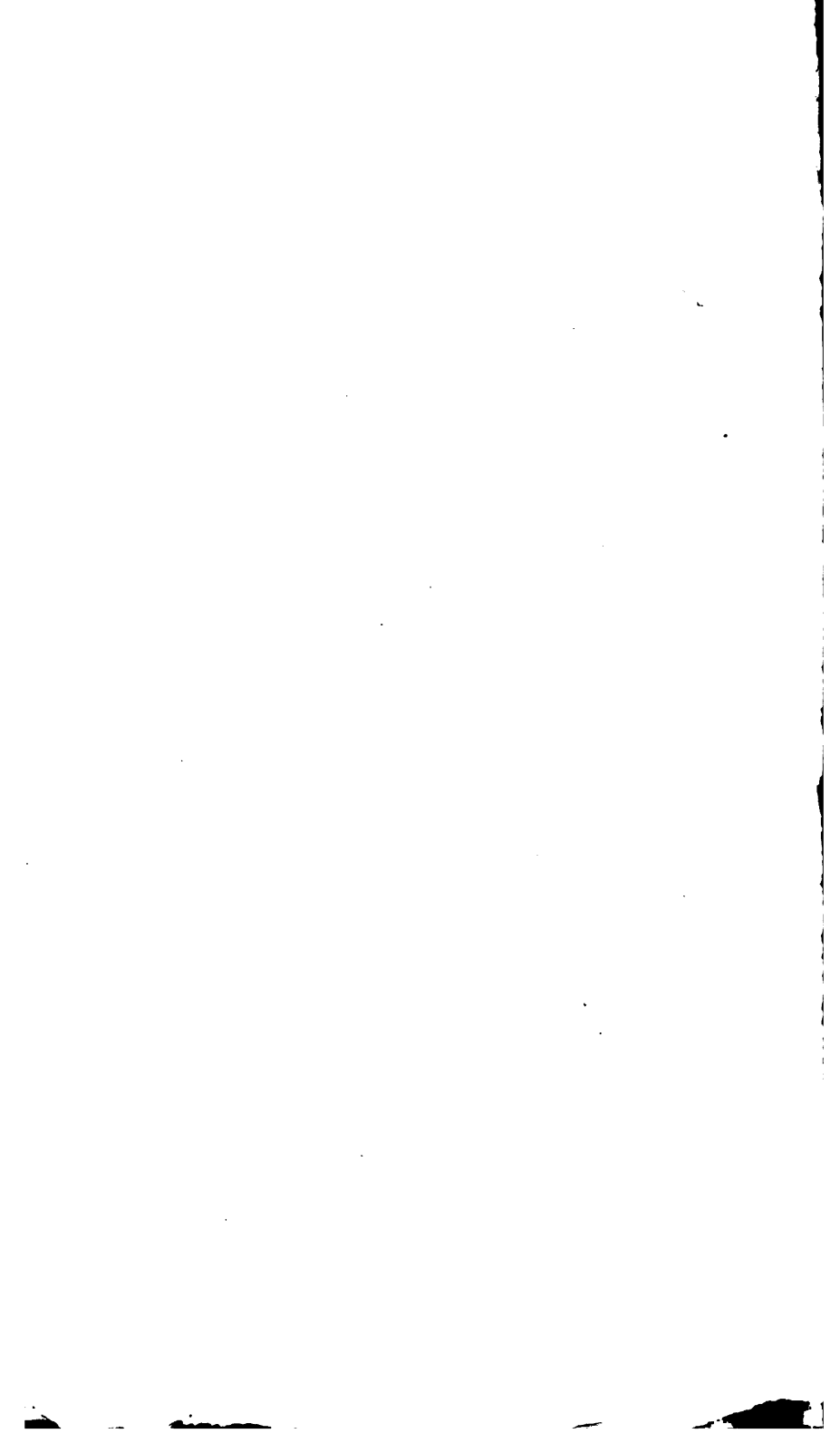
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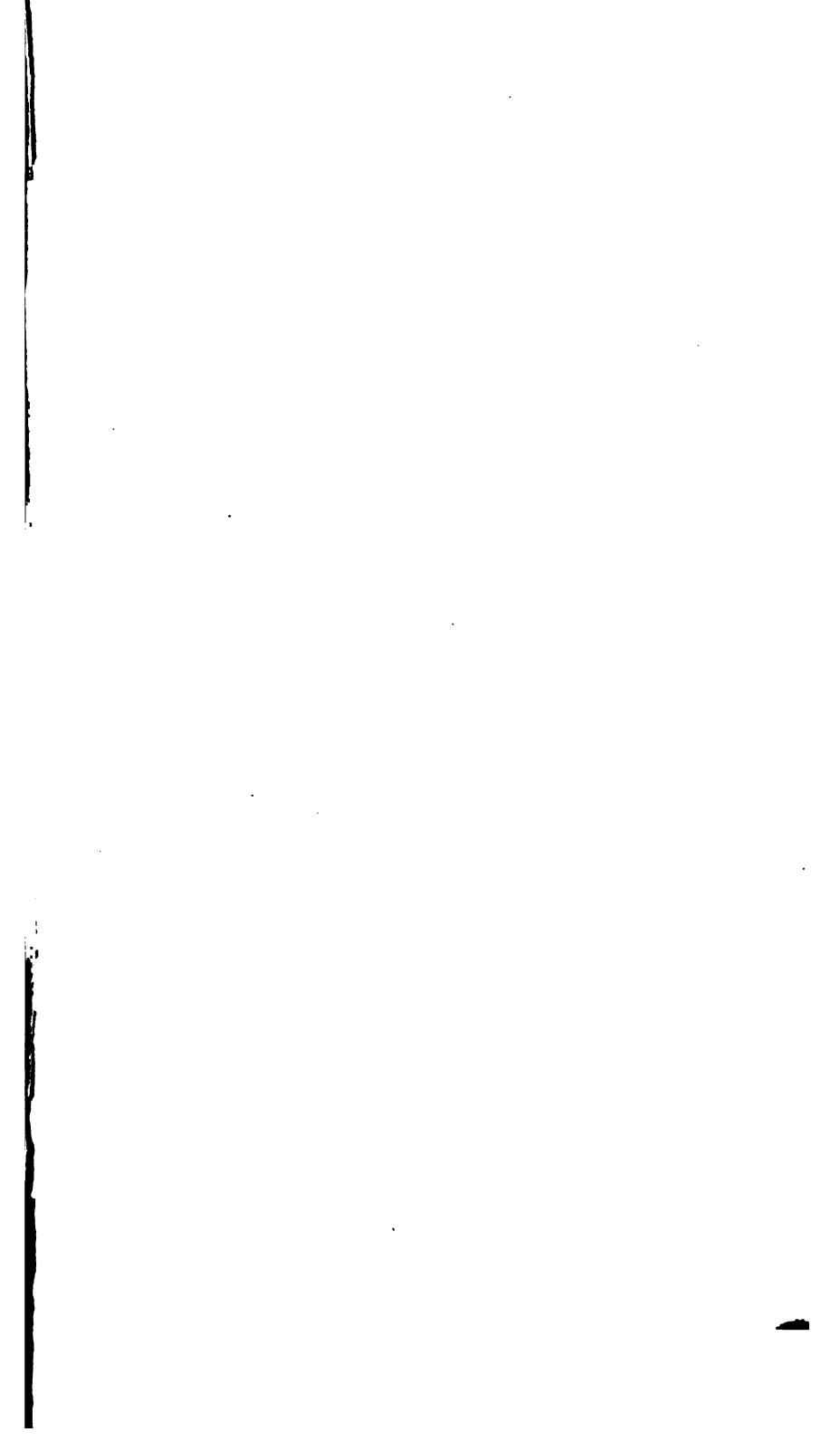
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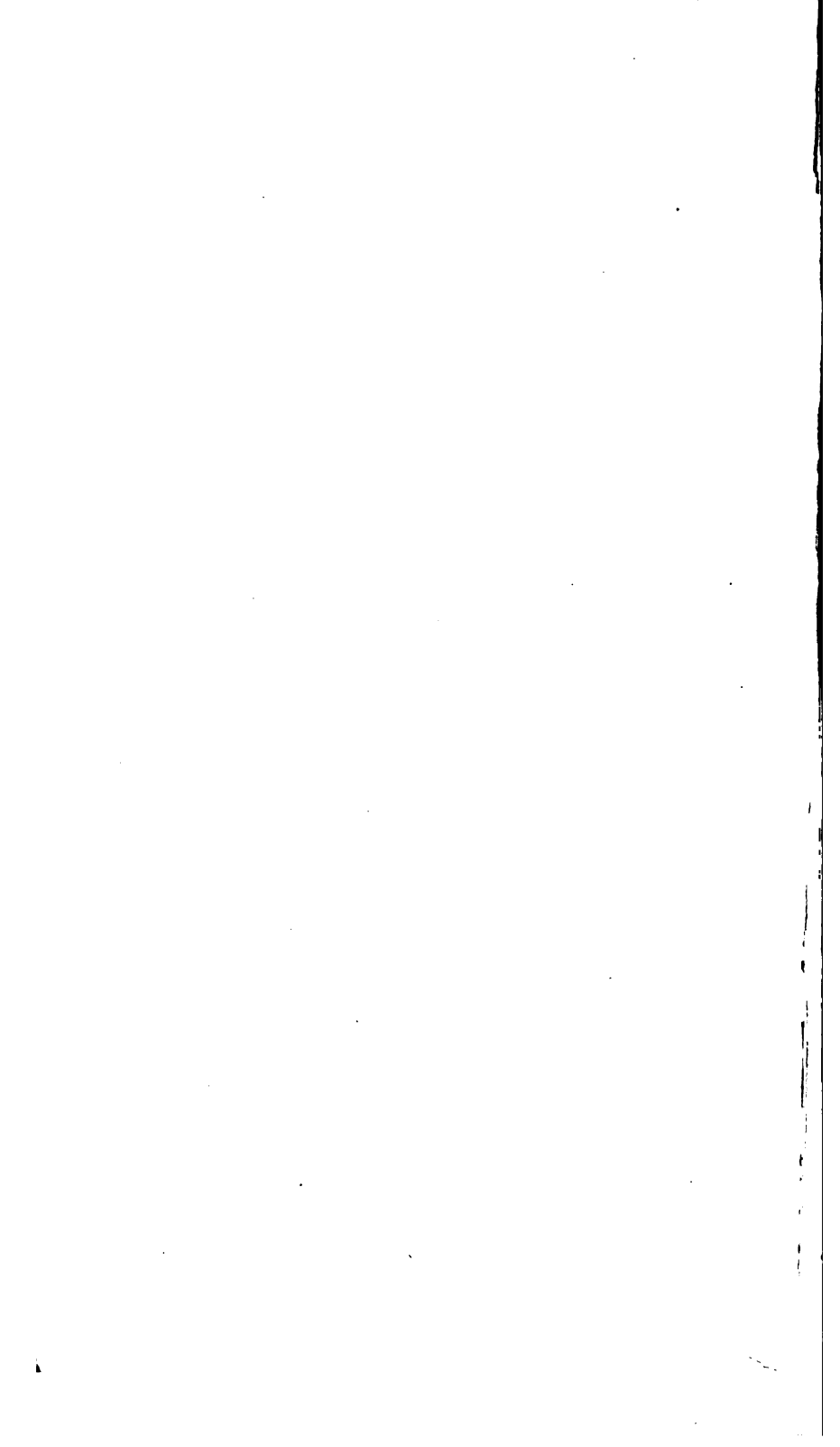
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THE
HISTORY
OF
SCOTLAND,

FROM
THE UNION OF THE CROWNS ON THE ACCESSION
OF JAMES VI. TO THE THRONE OF ENGLAND,
TO THE
UNION OF THE KINGDOMS IN THE REIGN
OF QUEEN ANNE.

By *MALCOLM LAING, Esq.*

WITH TWO DISSERTATIONS, HISTORICAL AND CRITICAL,
ON THE GOWRIE CONSPIRACY, AND
ON THE SUPPOSED AUTHENTICITY OF OSSIAN'S POEMS.

IN TWO VOLUMES.

VOL. I.

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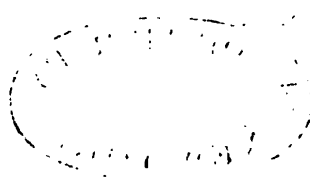
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NOY WAM
CLUB
YRABU

PREFACE.

THE following work was chiefly undertaken, as a History of Scotland, from the Union of the Crowns to the Union of the Kingdoms, seemed to be still wanting to render its annals complete. The early history of Scotland is in other hands : the most important period has been executed by Dr. Robertson, with a fidelity equal at least to the elegance and the success of his work ; but the domestic transactions of Scotland, from the Accession to the Union, have hitherto remained concealed in manuscripts, or buried in the obscure volumes of ecclesiastical disputation. The most prominent events alone are occasionally recorded in English historians ; but the causes, consequences, and the whole train of subordinate incidents, are imperfectly known. It becomes not me to determine, hardly indeed to conjecture, how far, or whether I have succeeded in my design, to give a just and impartial continuation of the History of Scotland down to the period when its History expires.

During the whole of the civil wars, it is impossible to separate the history of the two kingdoms. Without departing therefore from my professed design,

design, I have entered largely into the relative affairs of England, and omitted no opportunity to illustrate, concisely, the most disputed passages concerning the origin and continuance of the civil wars, the character and motives of Charles I. and the cause of his death. It is here, where the judgment is pre-occupied with some historical theory or political system, that I anticipate the principal objections to my work; but if I deviate from our recent historians, I approach the nearer to those original authorities which I have been the more careful to quote, and which they who dispute my conclusions are requested to consult.

The manuscript materials employed in this history are chiefly derived from the library of the Faculty of Advocates at Edinburgh, to which I enjoy a professional access. Calderwood's MS, cited wherever the printed abstract is defective, Matthew Crawford's, and some other manuscript histories, were procured from the records of the church of Scotland. The records of the justiciary court, and of the privy council, have been frequently examined; but I am indebted for many valuable materials, to the private repositories of gentlemen, whose friendship I am proud to acknowledge. Mr. Erskine of Mar communicated to me the correspondence of his ancestors, the earl of Mar and his brother lord Grange, without solicitation and without reserve. Through the friendship of Mr. Clerk of Eldon, whose Naval Tactics have contributed to our naval victories, I obtained full access to the historical writings of his

PREFACE

his father, Sir John Clerk of Pennycuik, a commissioner at the Union; and from the honourable Mr. Maule I procured the transcripts of Fountainhall's Memoirs, and of other MSS. preserved by his ancestor, Mr. Henry Maule.

Instead of extracting from these materials a collection of original papers, in which it would be difficult to separate historical facts from the fanaticism of the age, I have subjoined such Notes and Illustrations as were necessary to explain at length, and to confirm the most doubtful, or disputed passages in each volume. On two occasions only I have departed from this plan. The forgery detected in Logan of Restalrig's supposed letters, might appear to discredit the whole Gowrie Conspiracy, which belongs to the preceding period of history; but I have annexed, without scruple, to the first volume, an Historical Dissertation for which I am indebted to the friendship of Mr. Pinkerton, who, in my apprehension, has placed that obscure transaction in its genuine light. The other instance, in which I have deserted my accustomed mode of illustration, is the Dissertation annexed to the second volume, on the supposed Authenticity of Ossian's Poems. The prevailing belief of their authenticity, at home and abroad, will render it the less surprising, that, in a question concerning our literature and early history, I was desirous to vindicate to my countrymen that incredulity which I have freely and repeatedly expressed. As a short note was found insufficient, I have entered, as concisely as possible, into a

copious detection of those spurious poems, by some supposed to reflect the greatest honour, by others the greatest disgrace, on that part of the nation which claims and attests the imposture as its own.

As this work forms a Continuation of Robertson's History of Scotland, with which it coincides, it is my design to add, in a small preliminary, or rather intermediate volume, an Historical and Critical Dissertation on the accession of Mary Queen of Scots to the murder of her husband. When revived by Goodall, the question was decided by Hume and Robertson; but the declamatory apologies which have since appeared, serve only to perplex, and to render the controversy more obscure than ever. A clear and concise deduction of facts, in the order of time, and a critical examination of the letters, sonnets, and other evidence, are still requisite to establish the innocence, or the guilt of Mary, on a better foundation than the perversion of every historical fact. On this subject I have already discovered, and may still expect to procure some original materials, subservient to the evidence of which the public is possessed.

The reader will be disappointed who expects to be gratified, in this work, with any pointed, political allusions to the present times. The present ever appears the most important period, and the political productions of the day are overpaid with praise at the time, in proportion as they are afterwards neglected or condemned. But the following History was mostly written in a distant solitude,

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solitude, far removed from political discussion. It would be difficult to speak of the present times, without degenerating either into adulation or censure, and absurd indeed to render the history of the last century a comment on the philosophy or folly of the present.

EDINBURGH,

June 2, 1800.

ERRATA to Vol. I.

Page 36. line 6. *note, for Romanam read Romano*
for regalem dum read dum regalem

38. — 22. *for provisional read provincial*
36. — 6. *note, for 1669 read 1609*
79. — 3. *for operated read operates*
85. — 2. *for sixty read fifty*
116. — 1. *note, for season read reason*
162. *margin, for of read to the Scots*
176. line 13. *for by discharge read by a discharge*
188. — 21. *for constructive read constructive*
192. — 22. *for conciliatory read but conciliatory*
198. — 4. *note, for their read the original,*
200. — 1. *for were read was represented*
203. — 30. *for on read in the present reign*
210. — 22. *for as read and as*
213. — 31. *for their former read the former*
219. — 2. *note, for a court read the court*
222. — 2. *for evaded read invaded*
251. — 7. *for in read on the confines*
255. — 2. *delete as*
298. — 5. *note, for Airley, with, read Airley with*
262. — 24. *for address'd read addresses*
366. — 27. *for Scotland read Ireland*
370. — 16. *for a nation read the nation*
445. — 26. *for specie read species*
448. — 5. *note, for afterwards read also*
463. — 2. *note, for Sir read Mr.*

THE HISTORY OF SCOTLAND.

BOOK I.

Accession, and departure of James from Scotland.—State of that kingdom.—Union, and ecclesiastical conformity attempted.—Retrospective view of presbytery.—Revival of prelacy.—State, and proposed improvement of the Borders.—Highlands and Isles.—Discoveries of Gowrie's conspiracy, of Balmerino's treason; ecclesiastical affairs.—King's journey to Scotland.—Articles of Perth.—Death and character of James.

THE marriage of James IV. and of Margaret, eldest daughter of Henry VII. was productive at first of a temporary alliance, and at the distance of a century, of a permanent union between Scotland and England. After the first generation, the issue of Henry had terminated in females, and on

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B

the

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I.
1503.
Descent,

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1503.

the death of Elizabeth his grandchild, the blood of the Tudors existed, almost exclusively, in the veins of the Stuarts. James VI. of the Stuarts, and the third in descent from Margaret, and James IV. had been placed while an infant on the throne of Scotland, which his unhappy mother was forced to resign; but had attained to a mature age, when his succession opened to the English crown. The design of this History is, to describe the domestic transactions of Scotland, and the relative events with which they were occasionally connected in England, from the union of the two crowns under James VI. to the union of the kingdoms in the reign of queen Anne.

And acceffion of James

1603.

It is feldom that the acceffion of a foreigner is tranquil, and James was peculiarly obnoxious from his birth-place, to the antipathy of a people, among whom his mother had fuffered an ignominious death. But his acceffion was promoted by the expectations of every religious, and the interests of almost every political party in England. The puritans, who had experienced his friendly intercession with Elizabeth, anticipated a reformation in the church, if not the downfal and destruction of the hierarchy, from a prince whose professed religion was congenial to their own'. The established clergy had examined his character with more anxious attention; and discovered, both in his conduct and in his controversial discourses, a

¹ Fuller, 224.

strong predilection for the episcopal order². The catholics, then a numerous and powerful party, expected greater indulgence in their religion; and entertained a persuasion, that its doctrines and its votaries were secretly not indifferent to a monarch, the pretensions of whose family they had first supported, and whose mother they regarded as a martyr to their cause. But his peaceful, and undisturbed accession must be ascribed to the absence of every competitor, by whom his title could be contested, or the affections of the nation pre-occupied or divided. Hereditary right was securely established, by an uninterrupted succession of five reigns. The formidable power of the antient nobility was crushed by the Tudors: their aspiring ambition had departed with their power. Elizabeth had acquired an ascendancy, almost absolute, in Scottish affairs, and her statesmen were reduced, by her death, to the singular alternative of receiving James as their sovereign, or of relinquishing their ascendancy over a country subservient to their councils. The danger of a disputed succession was justly apprehended; nor did it escape the sagacious observation of Cecil, that the submission of England to a Scottish monarch would be recompensed by the ultimate acquisition of his kingdom. During the last years of Elizabeth, her courtiers and statesmen were seduced by the intrigues, and devoted secretly to the interest of her successor; and if a few³, averse to

² Calderwood, 246.³ Cobham, Raleigh, Fortescue.

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BOOK I.

1603.

To the
throne of
England.

March 24.

the Scottish line, were desirous to receive it under certain limitations, their share in the recent destruction of Essex had rendered them unpopular, and therefore weak.

From those circumstances, more than from Elizabeth's nomination, the throne was already secured to James; but the privy council, before they ventured to proclaim her successor, affected to consult her last declaration to Cecil, as a bequest of the crown. While they continued to deliberate, Sir Robert Carey escaped from the palace, and by means of previous relays of horses, arrived at Edinburgh on the third day. The king had already retired to rest; but the messenger, admitted immediately to the bed-chamber, knelt, and saluting James as king of England, announced the glad intelligence of Elizabeth's death. As her sickness and danger were previously known, the intelligence was neither unexpected, nor received with intemperate expressions of joy. But the king was unassured as yet of his own succession. After an anxious interval of three days, his apprehensions were relieved by the arrival of Sir Charles Percy, and Somerset, the earl of Worcester's son, dispatched by the privy council to notify the death of Elizabeth, the proclamation of her successor, and to assure him that all ranks acquiesced in his title, and languished for his presence*. His accession was immediately proclaimed in Scotland.

* Johnstons, Hist. p. 360. Spottiswood, Hist. p. 473. Carey, earl of Monmouth's Memoires.

The people were admonished, that as the English were obedient subjects of the same monarch, all national animosities must henceforth cease: but the predatory habits of the borderers revived; and some slight incursions, memorable as the last that were made into England, were afterwards repressed and severely punished¹.

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1603.

Preparations for his departure were also made. When reminded on Sunday, by an officious preacher, in the church of St. Giles, that his accession was exclusively the work of God, he arose, at the conclusion of the sermon, and addressed the people in a long harangue; recapitulated the numerous proofs of his affection in the transactions of his reign; professed that his power was enlarged in order to promote their welfare, and promised to revisit the country every third year, that his subjects might pour their complaints into his paternal bosom. His expressions respecting the church were obscure and guarded; but when he intimated his approaching departure, the people, presaging the loss of their ancient sovereigns, burst into loud lamentations and tears. The departure of his queen was delayed some weeks: the administration was committed to the privy council and the officers of state; to the earl of Montrose the chancellor, to Sir George Hume treasurer, to lord Balmerino the secretary; and his children, Henry, Charles, and the princess Elizabeth, were distributed among different noble families.

His departure from Scotland.

¹ Spottiswood, p. 476. Stowe's Chron. 819.

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1603.

April 5.

His journey commenced on Tuesday the fifth of April. On the second day, with a train selected from the principal nobility, he was received by the English garrison into Berwick; the fortifications of which, after an interval of an hundred and twenty years, were again surveyed with admiration by the Scots⁶.

State of
that king-
dom.

James, established now on the throne of Britain, had attained to the summit of his fortune and ambition; and, by a singular felicity, he whose birth was disastrous to his parents, whose infant reign was calamitous to his subjects, and his person the alternate prize of contending factions, had arrived, without the aid of distinguished merit, and almost without an effort, to the undisturbed possession of three kingdoms. Whatever he had meditated for the improvement, or concerted for the better regulation of his paternal dominions, remained now to be executed; and certainly the situation of Scotland afforded ample scope for the exercise of his political wisdom. The country, agitated during his minority with civil dissensions, and often ravaged by internal war, remained, on the return of tranquillity, exhausted and debilitated; without industry, and destitute of resources to prosecute schemes of remote aggrandizement. Its trade was limited to a few towns, and consisted of wool, hides, and the more precarious produce of its mines and fishings, exported in small barks of little value, and exchanged for whatever articles of

⁶ Johnst Hist. 361-2. Spottisw. 476. Calderw. 472.

utility or luxury were requisite to supply its domestic consumption. Wherever the rude products constitute the staple commodities of a country, large or important manufactures are not to be expected: those of Scotland were confined to a few of the coarsest nature, without which the poorest nations are unable to subsist⁷. The state of agriculture was languid and stationary, obstructed, even in the southern provinces, by the oppressions of the landlord, the dependence of the farmer, and their mutual poverty; but in the northern counties, the peasant extracted a scanty pittance from a soil exhausted by constant tillage. The nobility disdained, or obeyed with reluctance the decisions of justice. They continued to prosecute their deadly feuds; to abet the most desperate crimes of their retainers; and, under their numerous hereditary jurisdictions, to extend their oppressions, their power, and dependents beyond the circle of their respective vassals. Their feuds were inveterate; and their revenge was frequently dishonest and insidious. The sanguinary troubles of a female reign, and a long minority, had perverted or extinguished their sense of morals, and discovered, during a religious age, that no religion can compensate the absence or the relaxations of justice.

A distracted country, whose poverty presented no adequate reward nor an occupation for indus-

⁷ Craig de Unione Tractatus, p. 237—44. MS. in the Advocate's Library.

try, had already been deserted by many of the natives, who, penetrating into the remotest regions, acquired, or perhaps revived among foreigners, the national appellation of a vagrant race. Their numbers multiplied rapidly in Poland, whose plains they traversed in large caravans; whose internal trade they divided with the Jews; and, during the last century, a constant influx of fresh adventurers returned enriched by the luxury of the Polish nobles^a. But a large portion of Scotland retained the primitive ferocity of its savage state. The Isles are represented as *utterly* barbarous; the Highlands as barbarous, yet not unsusceptible of a slight civilization. The former, an occasional asylum for pirates, scarcely acknowledged a nominal subjection to the Scottish crown; the clans of the latter exhausted their rude valour in mutual slaughter, or infested the adjacent lowlands with slight depredations. From a constant warfare, the inhabitants of the Borders were equally barbarous, and from their vicinity, far more formidable to government. James, from their strength and turbulence, had early presaged that unless possessed of the whole of Britain, his successor would be soon bereft of its northern extremity, and of his anointed head; a prediction destined to be

^a Bacon, vol. ii. p. 175. from which it appears that they were numerous in Poland before the accession. Carte, Hist. vol. iii. p. 770. asserts, that from the accession till the death of Charles I. 200,000 families had emigrated to Livonia! as if the population of the country could have supplied an annual emigration of 4000 families, or 20,000 persons.

strangely verified, by the acquisition of that kingdom for which he was solicitous⁹.

BOOK
I.

1604.
Union proposed.

The situation of Scotland had been ineffectually regretted, and the removal, or the alleviation of its miseries, was reserved by James for the plenitude of his power, and the harmony promised by the union of the crowns. His recent elevation exempted him from the factious control of the nobles; and by a judicious application, his revenues were sufficient to invigorate industry, his power to repress the disorders predominant through Scotland. But he proposed, to the Scots as preliminary to every national improvement, to the English as necessary to consolidate a divided empire, that the two kingdoms should accede to an incorporating union, and an equal communication of their respective rights¹⁰. The measure was first recommended to the English parliament, and in a conference between both houses, Ellesmere the chancellor procured with difficulty the nomination of forty-four commissioners to treat with the Scots.

A parliament.
July 11.

When the Scottish parliament assembled at Perth, the nobility, on the first proposition of an union, were alarmed for their privileges, or apprehensive of their future subjection to England. Frequent consultations were privately held, till admonished by the king that their prompt obedience could alone avert his severe displeasure; when their haste to exculpate themselves by the

⁹ King James' Works, 159.

¹⁰ Id. 448.

appoint-

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I.

1604.

appointment of commissioners, announced that they were no longer equal to a contest with their absent sovereign¹¹. Thirty-six commissioners were chosen to co-operate with those of England, in concerting the union; but without detriment to the independency, which was reserved entire, or the fundamental laws and constitution of the Scottish monarchy, whose alteration was prohibited. The parliament, secretly averse to the union, affected to consider it as limited to the removal of whatever statutes or local usages might perpetuate the memory of past hostilities, or generate future animosity between the kingdoms¹².

Treaty of
union.

The commissioners assembled at Westminster; and after repeated conferences, productive only of minute regulations, their progress was interrupted by debates to which there was no issue. A free interchange of rights, a common legislature, the same laws against state offences, were alone requisite to complete the union. But the commissioners adhered invariably to their national prejudices. The Scots were tenacious of their independence, and unwilling to descend to the subordinate, though securer station of a dependent province of the British empire. To the poverty of a proud aristocracy, commercial privileges were neither an object, nor a recompence for the surrender of their personal importance or share in the legislature; and expecting every benefit from the acces-

¹¹ Johnst. Hist. 388. State papers, MS. in the Advocate's Library.

¹² Parl. 17 James VI.

tion

fion alone, they were apprehensive that an union, by diminishing their influence, might impair their claims on the munificence of their sovereign. The commons were yet insignificant, and, as the rest of Europe was open to their adventurers, insensible to the advantages of a trade with England. The temptation of a colonial trade did not then exist; and the improvement of their country, from the admission of its rude produce into the English markets, was understood so imperfectly, or so little foreseen, that in the preliminary articles, sheep and black cattle, together with wool, hides, leather, and yarn, were prohibited or reserved by the commissioners from exportation, for the internal consumption of each nation. But the removal of the seat of government to England, while the absence of the court was severely felt and regretted in the metropolis, affected all ranks as a violent, and a dangerous experiment, of which the detriment was certain, immediate, and extensive; the beneficial consequences, precarious and remote¹³.

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 I.
 1604.

Nor were the English commissioners less influenced by national prejudices. Instructed perhaps by the prodigality of their sovereign, they proposed an uniformity of laws as the basis of an union, and when the Scottish commissioners rejected an ignominious servitude to the laws of England, they refused on other terms to communicate their rights to aliens, recently their enemies, and still their rivals. In the next century, their

Obstacles to
 its success.

¹³ Spottis. Hist. 481. Journals of the Commons, vol. i. p. 318. Craig, de Unione, 238—42. MS.

posterity

posterity discovered, nor was experience necessary to prove, that if the relative obligations to government are the same, uniformity of religious, or municipal laws is not essential to an incorporating union. To obliterate those laws which custom and positive institutions have accumulated, is impracticable except in a conquered country; to substitute a different jurisprudence, unknown to the people, and irreconcilable perhaps with their private rights, would be productive of universal confusion and dismay: but the English commissioners were actuated obviously by a jealous alternative, to reduce a rival state to subjection, or oppose an insurmountable obstruction to an union. The alternative was proposed, as a rapid influx of Scots was apprehended, from a measure which opened the trade of England, the universities, the church, and the most lucrative, or dignified offices of government, to the industrious ambition of a favoured nation. Antipathies which the intercourse of another century was insufficient to eradicate, were entire and vigorous¹⁴; and the English, engaged in no continental wars, nor ambitious of foreign alliances, were indifferent to the additional strength, the accession of territory, and above all the internal, and profound security to be derived from an union, which in the present century, their apprehension of a separate succession to the two kingdoms was requisite to accomplish.

¹⁴ Craig, de Unione, 138. MS.

On the interposition of James, two conciliatory propositions were adopted: 1. That the privileges of subjects should extend in each kingdom to those whose birth was posterior to the accession; 2. That the present inhabitants should be received as denizens capable of inheritance, but excluded, at least till the union were accomplished, from a voice or seat in the legislature, from a share in the administration of justice, or an office under the executive department of government¹⁵. These propositions were reserved for the consideration of parliament, but an interval of two years was suffered to elapse before the union was resumed. In the English parliament the lords were disposed to co-operate with their sovereign; but the commons were jealous of his Scottish favourites, tenacious of their privileges, and still actuated by national antipathies. Of the articles prepared by the commissioners, the abolition of hostile laws was alone adopted. Commercial intercourse, and a mutual naturalization, were frequently agitated, and at length abandoned in despair. When we examine the debates of the commons, we discover, instead of an impartial consideration of the subject, that as their motives were of an invidious nature which it was necessary to dissemble, their arguments were chiefly derived from the turbulent disposition of the Scots, whose government, from its extreme freedom, was irreconcilable with theirs; or from the reluctance, or refusal of the Scottish parlia-

B O O K
I.
1604.
Union postponed;

¹⁵ Winwood's Memorials, vol. ii. p. 37, 38. Craig, de Union, p. 65, MS.

BOOK

I.

1604.

ment to relinquish the fundamental laws of the realm. Sir Francis Bacon, who alone seems to have comprehended the nature, or importance of an union, maintained in vain, that no uniformity was requisite in laws or religion, but that the English monarchy would become truly formidable, "with Scotland united, Ireland reduced, the Low Countries contracted, and the navy supported." James represented in vain, that the laws, like the language of Scotland, were congenial, and would assimilate easily with those of England; that the people were more submissive to his pen than to the sword of his progenitors, and that their parliament, whose form was far from popular, deliberated on no subjects without his permission. The commons remained inflexible. Their opposition was increased by the refusal of the lords to abolish purveyance, and their speeches intimated, in a classical adage, that the Scots were an happy nation, as the presence of a court was oppressive to the country within which it was held¹⁶.

Abandoned.

From the judges however, a declaration of some importance was obtained. On the principle that an alien is born in allegiance to a foreign prince, the *postnati*, born since the death of Elizabeth, as their allegiance was indiscriminately due to James, were declared to be freely natural-

¹⁶ *Procul a numine, procul a fulmine*, Journals of the Commons, vol. i. 335. vii. 67. Bacon's Works, vol. ii. p. 182. James' Works, 119—22. Craig, de Unione, 84. MS.

ized

ized in either kingdom¹⁷. The *antenati*, whose birth preceded the accession, remained in their original situation of aliens. The union, a premature and therefore an impolitic attempt, terminated thus in a federal alliance between the two kingdoms, tacitly established, by a voluntary submission to the same monarch, and a mutual suppression of all hostility¹⁸.

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1604.

To obliterate the animosities, and to incorporate the inhabitants, of kingdoms formerly hostile and still discordant, were magnificent objects, of which we may affirm, that the reciprocal advantages were too remote to be descried by James, or pursued by his ministers with much solicitude. That turbulent liberty which raised him prematurely to the throne of Scotland, had repeatedly circumscribed his power, and controlled his prerogative. The more civilized state of the English nation, their obedience to the laws, and implicit acquiescence in the government of Elizabeth, had attracted his early notice, and inspired a vague desire to inculcate on his accession the imitation of their manners, in order to transfuse a portion of their submissive spirit into the untractable Scots¹⁹. It was from a different and secret motive,

Ecclesiastical conformity proposed.

¹⁷ The *postnati* were naturalized, not because they were subjects of the king, as king of England, but generally, because they were subjects of the king. See this argument in Bacon's case of Calvin, vol. ii. p. 514. Lords Journals, vol. ii. p. 476.

¹⁸ Spottisw. 505. Parl. 19 James VI. unprinted acts.

¹⁹ James' Works, p. 188. "It was not his desire," he observed on another occasion, "to deprive England of its laws,

motive, that his crude and imperfect conceptions of an union were improved and accelerated by his English ministers. His offspring was neither numerous nor healthy ; and as the crown of Scotland devolved, on the failure of his children, to the marquis of Hamilton, the eventual separation and loss of that kingdom were to be prevented by an immediate incorporation with England. That his motive was the increase and stability of the regal power, is attested by his avowed hostility to the Scottish church. A religious was super-added to a civil union, and under the pretext of a laudable conformity, episcopal government was again established. The consequences were so memorable in the succeeding reigns, that it is necessary to explain, and deduce from its origin, the *form* and the *spirit* of presbyterian discipline, long regarded as obnoxious to monarchy, hateful and ultimately disastrous to the Stewarts.

“ laws, but to lay Scotland subject to the same laws :—he “ did desire that they should be subjected both to one rule and “ to one law.” Journals of the Commons, vol. i. 314. “ I mean “ of such a general union of laws as may reduce the whole “ island, that as they live already under one monarch, so they “ may be governed by one law.” James’ Works, 512. His intention evidently was to introduce the English law into Scotland ; and although suggested by Bacon, I doubt if his ideas extended beyond that object, to an union of legislatures, of which no trace is contained in his works. Craig, who wrote under his directions, considered it as essential to an equal union, that each nation should retain its own parliament. *De Unione*, p. 257. MS.

The forms of ecclesiastical government have been modelled, in general, after the civil establishments on which they were constructed. Thus, the gradations of episcopal jurisdiction and dignity coincided originally, with the provincial magistracies of the Roman Empire. After the reformation, they were retained in Germany and the kingdoms of the north, as congenial to monarchy, but rejected in Switzerland and Holland, as a domination neither consonant to the humble, and fraternal parity of the primitive christians, nor compatible with the spirit of a republican government¹³. Pre-eminence of sacerdotal rank was abolished; the church was established on the equality, not on a regular subordination of its pastors; and when transplanted from Geneva to Scotland, the institution was productive of a singular alliance between a republican church and a monarchical state. But the parity of the Scottish church was at first imperfect. On the death of the queen regent, when the reformation had acquired a permanent, and legal establishment, ten or twelve superintendents were proposed by Knox, to inspect the deserted sees of the bishops, to re-people the churches with suitable pastors, or by their own labours, to propagate the gospel in every corner of the vineyard of Christ. An institution fruitful as a polemical topic, has been usurped as a proof that the Scottish church was founded at first on a moderate imparity, and regulated by the authority of

¹³ See Robertson's Hist. of Scotland, p. 148.

B O O K an infant hierarchy¹⁹. But the superintendents,
I. whose jurisdiction was limited to spiritual admonition, were themselves amenable to their provincial clergy; and their office was expressly a temporary expedient, created to remedy or supply the scarcity of established clergy²⁰. They were selected from the clergy by a popular election, and rewarded with a small additional stipend; but from the difficulty of procuring that small addition, half their numbers remained incomplete²¹.

1604.

Such was the situation of the church above twenty years; superintended by responsible overseers, and regulated by synodical and general assemblies. The popish bishops were permitted to retain their temporal dignities, and a proportion of their revenues; and a few converts might aspire to the superintendence of their former dioceses. Their spoils, however, were engrossed by the nobles. Morton the regent, on obtaining a grant

¹⁹ Guthrie's Mem. p. 1.

²⁰ "Because we have appointed a larger stipend to them that shall be superintendents, we have thought good to signify such reasons as moved us to make a difference *at this time*. We have thought it most expedient *at this time*, that from the godly and learned men *now* in the land, ten or twelve be selected." First Book of Discipline, wherein the mode of election, the office and powers of superintendents are prescribed and explained.

²¹ Their numbers never exceeded five; Spottiswood the archbishop's father, Winram, Willock, Erskine of Dun, and Creswell, superintendents of Lothian, Fife, Glasgow, Angus, Argyle and the Isles. Their districts corresponded nearly, but not exactly, with the former bishopricks.—Calderwood's Hist. p. 27.

of the revenues of St. Andrews, bestowed the fee, which he could not decently occupy, on a needy dependant, to whom he afforded a slender stipend; and the same expedient was adopted wherever an episcopal benefice became vacant. An assembly of the church, intimidated or dependent on the regent's protection, was satisfied with protesting that the measure should subsist only during the king's minority, till a purer constitution might be expected from parliament. Without revenues and without authority, those titular bishops could neither escape contempt, nor resist the jurisdiction of the national church. Their visitatorial powers were circumscribed or suspended; their office was declared inconsistent with the gospel, and their name an appellation equivalent to pastor, and applicable to every presbyterian minister²².

BOOK
I.
1604.

Anno 1572.

The hostilities waged against prelacy, subsisted with little interruption, till the murder of the handsome earl of Murray, which was perpetrated by Huntley; but as it was ascribed to the king's jealousy, or Maitland the chancellor's instigation, it rendered the court unpopular and the church triumphant. Its discipline and its liberties were then recognized, and confirmed in parliament²³. The radical jurisdiction was lodged in the parochial assemblies of the church, a session where the minister presides over lay-elders, selected to con-

Form.

Anno 1592.

²² Spottisw. 260. Calderwood, 55, 8. 64. 81. Second Book of Discipline.

²³ Parl. 12 James VI. chap. i.

Book 1. 3604. fult the spiritual interests of the congregation, and to inspect the religious deportment of its members; and from the influence of this censorian institution in each parish, a strict and general conformity was established in Scotland; the zeal for presbytery was preserved alive; and the most important revolutions were effected among the people²⁴. Churches united from their vicinity into the same *classis*, furnished a presbytery of ministers and lay-elders, who possessed a superior though derivative jurisdiction in the superintendence of the district; and in the determination of censures and appeals, in the admission, suspension, and deprivation of pastors, exercised every episcopal function. The Presbyteries were subordinate to provincial synods, whose constitution was similar; but the supreme jurisdiction resided in the general assembly of the church, a national convocation of the clergy and laity, deputed from presbyteries, universities, and towns. Annual, and on important emergencies, occasional assemblies were confirmed to the church; and the presbyterian frame of government exhibited a connected gradation of elective judicatures, the ideal model of a perfect republic. The professional spirit which the frequent intercourse of the clergy generates; that spirit which prosecutes the exclusive aggrandizement of its order, was tempered by a judicious intermixture of the laity. The independence of the clergy was secured by moderate and equal provisions, and its extreme

²⁴ Baxter's Life, Part iii. p. 67.

OF SCOTLAND.

BOOK

I.

1604.

frugality recommended, and might still recommend the constitution of the church, as the cheapest establishment, if not the most economical dispensation of the gospel. But the clergy were dignified, rather than degraded, by an honourable poverty remote from indigence. Satisfied with their humble mediocrity, they renewed the instructive examples of ancient sages, and in a refined and luxurious age, amidst the pursuits of a commercial people, their lives might still inculcate this salutary lesson, that happiness resides in a contented mind, to which wealth and splendor have nothing to contribute.

And spirit
of the
Presbyter-
ian
Church.

The experience of a century demonstrates, that the genius of presbytery can repose in peace, under the tranquil shade of a limited monarchy. But its spirit and its form were alike distasteful, and offensive to James. The reformation, in other nations, was effected by the previous conversion of the sovereign: in Scotland it was accomplished by the sword of the congregation, against the authority and arms of the crown. Opposition to the civil magistrate, leads mankind to investigate the popular foundations of government. The resistance of the congregation was justified from scripture; but the degradation of the unhappy Mary was vindicated by the classical pen of Buchanan, the first modern who established the authority of the sovereign on the original compact, or consent of the people; and asserted their inalienable right to resist oppression, and to chastise their tyrant. His doctrines inserted a vigorous root in the nation: their

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I.

1604.

branches were watered by the benedictions, trained and cherished by the care of the church²⁵. But the principles of Buchanan made no durable impression on his pupil, whose mind, accessible and prone to adulation, imbibed from courtiers an early relish of arbitrary power. As a scholar and theologist, it was incumbent on James to maintain his despotical tenets in controversy; and we may affirm that the divine, indefeasible right of the Stewarts, originated equally from a desire to establish his supremacy over the church, and to impose an arbitrary power on the nation. His supremacy had ever been disclaimed in the church, whose independence was sheltered and preserved under the exclusive jurisdiction of Jesus, its spiritual king. But a new doctrine was advanced by James, that monarchs were vicegerents of heaven and gods on earth, placed on the temporal throne of God, not responsible, even for their crimes, to a people subjected by divine appointment to their spiritual authority and temporal power²⁶.

A church

²⁵ Buchanan, *de Jure Regni apud Scotos*. — In the general assembly the right of resistance was debated publicly, as an abstract question, between Knox and Secretary Lethington. Knox's Hist. 315. The university of St. Andrews intermixed with its course of theology, political discussions on the preference of elective, or hereditary monarchies; the extent or nature of the royal prerogative; and the right of Parliament to censure the misconduct, or revoke the delegated powers of the sovereign. Spottisw. 447.

²⁶ In the true law of free monarchies, published in 1598. James maintains that Samuel or God gave a king to the Jews; a pattern

A church independent, or professing itself independent, of the civil power; whose legal establishment was acquired from resistance, could neither acknowledge the divine right which the monarch arrogated, nor inculcate implicit submission in the subject. As its spirit counteracted those debasing doctrines, its democratical polity incurred the incurable aversion of James; which was embittered by the frequent opposition of the clergy, their ascendancy over the people, and their censures, directed often with truth, and always with asperity, against the vices or conduct of the court or the sovereign, his lenity to papists, and predilection for unworthy or unpopular favorites. From the form, his aversion extended to the rites of the church. The simplicity of its worship was neither aided by the ornamental, nor adulterated by the superstitious ceremonies of the church of Rome; the crozier and the mitre were inconsistent with the parity professed by presbyters; and rejected, together with the cope, the surplice and the observance of festivals, as the badges or memorials of an idolatrous religion. The ministers were seldom decorated even in the pulpit with robes. Their prayers were the extem-

BOOK

-1.

1604.

Hostile to
James.

a pattern for all christian monarchies, whose established succession it is impious to invert. "For the poorest schoolmaster cannot be displaced by his scholars, much less the great schoolmaster of the land by his subjects." He admits that tyrants should not escape unpunished; but is satisfied with remitting them to the scourge of God, "the forest and sharpest schoolmaster that can be devised."

BOOK I.
1664. porary effusions of the spirit ; their sermons were premeditated rather than pre-composed ; and the intervals were filled with a rude psalmody, more acceptable, we may presume, from its piety than its music. A worship accommodated solely to the intellect, that disclaimed whatever might gratify, or allure the senses, was not more remote from superstition than congenial to enthusiasm. The votary, whose fervor was arrested by no external, adventitious objects, nor chilled by the repetition of an accustomed formula, pursued his devotions in strains of rapture, or, when these were found unattainable, in dark and dismal presages of future misery ; and as our sins are infinite, our merit nothing, as perdition is general, redemption the portion of a chosen few, to be forfeited daily, a fanatical melancholy began to predominate ; as the contagion descended from the preacher to his audience, an habitual gloom overspread the nation. At first it appeared inoffensive to James. But the austere fanaticism, which was properly contemptible, soon became odious : simplicity of worship was soon discredited by the English ritual, and James was already secretly estranged from a church, which he regarded as hostile to monarchy, or at least as irreconcilable to absolute power. Forgetful of every promise, to preserve the liberties and forms of the church inviolate, he had long meditated to restore the hierarchy, and to introduce the rites and ceremonies of the church of England ”.

” Calderwood, 286. 418, 73.

The revival of the hierarchy had been attempted indirectly, before the accession; but the clergy easily discerned the "horns of the mitre," which they lopped off or pruned with the most industrious zeal²⁸. Jurisdiction, pre-eminence, and even the name of bishop, were carefully withheld from those commissioners of the church, whom the king might appoint to an episcopal benefice, from such candidates as the assembly recommended to represent the ecclesiastical estate in parliament. Their benefices neither extended their charge, nor enlarged their authority; within their respective congregations they officiated as pastors, but beyond those limits their usurpations were severely repressed and punished; their instructions were dictated, and their commissions renewed or revoked at the pleasure of each annual assembly; but if degraded from the ministry by a sentence of their presbytery, their benefices and seats in parliament were forfeited²⁹. In consequence of those jealous precautions, the restitution of prelacy was retarded for a time; but the accession was an unpropitious era to the Scottish church, and its gates were assailed with redoubled force.

BOOK
I.
1604.
Revival of
prelacy.

The independence of the national assembly, a fortress wherein the liberties of the church were

Assembly at
Aberdeen.

²⁸ Parl. 18 James VI. "Busk, (dress,) busk, busk him," cried an indignant clergyman, "as bonyly as you can, bring him in as fairly as you will, we see him well enough, we see the horns of his mitre." Calderwood, 415.

²⁹ Calderwood, 439. Spottisw. 450. Ross and Caithness were the only bishoprics thus bestowed.

BOOK I.
1604. repositied, was first invaded. The assembly was prorogued on account of the accession, and again discontinued in the succeeding year till the union were adjusted. Three zealots protested, that no detriment should thence accrue to the kingdom of Christ. Their apprehensions were diffused through the whole church. The clergy foresaw that assemblies would be soon disused, if convoked or interrupted at the king's discretion; and when the expected assembly was discontinued a third time, a few ministers, deputed from nine presbyteries, met at Aberdeen on the day appointed by the former prorogation. Their meeting was prohibited, and their separation enjoined; but they proceeded to assert their right by the choice of a moderator: in the absence, or on the refusal of the king's commissioner to announce an assembly, they appointed one to be held that year, and in compliance with a requisition from the privy council, immediately dissolved³⁰. It is difficult to conceive that their disobedience of an arbitrary prorogation was illegal; but of thirteen who hesitated to disclaim the authority of their late assembly, Welsh and Dury were selected, with four others, for an exemplary punishment, calculated to intimidate the clergy and to depress the church. Their assembly was pronounced unlawful, and they were condemned themselves as guilty of a contemptuous and seditious disobedience to the royal authority; but the sentence was merely a prelude

1605.
July 2.

³⁰ Calderwood, 459, 82, 94.

to another trial, a second condemnation and a severer fate. They had declined, in respectful terms, the jurisdiction of the privy council, as insufficient to pronounce sentence on a general assembly, a supreme court, or on its members, responsible for their conduct to the next assembly, which was alone competent to determine the legality of the preceding. They were convicted of treason, by a verdict extorted from a reluctant, intimidated jury, and after a rigorous imprisonment endured with fortitude, their sentence was commuted from death to perpetual exile. They retired to the protestant churches in France and Holland; and at the distance of sixteen years, Welsh, in the extremity of age and sickness, was recalled, on his earnest solicitation, to London; but on his refusal to degrade his reputation, and the merit of his sufferings, by subscribing to the church government then established, his return to his native country was inhumanly prohibited. The other ministers who refused to disavow the assembly, were banished to separate, and remote districts of the west and north; and the clergy were admonished, not to pray for their afflicted brethren, the people, to express no approbation of the northern conventicle, nor displeasure at the measures of the privy council. But the clergy bewailed in prayer the tribulation of their brethren; and in their sermons boldly announced the danger, and impending ruin of the church; the disuse of its assemblies, and the loss of its discipline; the approach of idolatrous rites, and of a worship more ceremonious than sincere. The apprehensions

of

BOOK
I.
1605.

of the people were confirmed by a declaration issued to dispel their suspicions, and when the king protested that no innovation was intended, without the previous consent of the estates, the people were instructed that their spiritual yoke would be imposed by parliament²¹.

Declarations and edicts are feeble arms, to repress the secret discontent of a nation. A pestilential disorder had extended to Scotland, and no place escaped its destructive visitation. There is no record of the numbers that perished, but the desolation of the towns is feelingly deplored; the council and courts of justice were dispersed, and the common administration of government was suspended by the plague. The clergy discovered in the sufferings of the people, a vindictive, and divine judgment on their monarch's transgressions; and expected that the recent, providential discovery of the gun-powder treason would operate on his heart. The discovery of that conspiracy has been denied to James; but his constitutional timidity would suggest the danger, and his father's murder was sufficient to represent the nature of the treason to his affrighted imagination.

Parliament.

Preparations were made for the approaching parliament, on whose decision the fate of the church was reduced to depend. Constitutionally, the prerogative was limited to the power of assembling the estates, and presiding in parliament,

²¹ Spottisw. 480, 99. Calderw. 459. 549. Johnson, 413. Baillie's Historical Vindication of the Scottish Church, p. 53.

and

and a fact to which historians have seldom advert-
 ed, excites our attention and surprise, that the so-
 vereign enjoyed no legal negative; but whatever
 the estates had enacted, he was obliged, at the
 conclusion of each parliament, to ratify by the in-
 dispensable touch of his sceptre³². We may con-
 jecture that a prerogative so familiar at present, and
 so much disused, had been obliterated by the pre-
 vious negative of the *Lords of Articles*. A com-
 mittee of parliament was thus denominated, intro-
 duced as early as the reign of David II. originally
 freely elected, and composed of equal proportions
 of each estate, to arrange, abridge, and facilitate
 business, and to digest into proper form the petitions
 and overtures proposed for debate³³. The freedom
 of their election was afterwards corrupted, and their
 powers were insensibly extended and abused. No-
 thing originated in parliament without their inter-
 vention; no motion was therefore admitted without
 their consent; and when the prelates afterwards
 selected eight peers, and the peers eight prelates for
 the articles, the king, to whom the former were
 generally subservient, and the latter of consequence
 not unacceptable, was virtually invested with this
 dangerous negative before debate. A similar, and
 additional negative on the Lords of Articles had

BOOK
 1.
 1605.

1606.

³² See NOTE I. at the end.

³³ For the origin, see Henry, vol. x. p. 100. Dalrymple's
 Annals, vol. ii. 261. Pinkerton's Hist. vol. i. 352. for the abuse
 of this committee, Robertson's Hist. of Scotland, Stuart's
 Public Law and Constitution of Scotland, p. 129, Wight's
 Election Laws, p. 86.

been

BOOK

I.

1606.

Annō 1584.

been procured by James. Previous to every parliament, a convention of four members from each estate, was ordained to receive and prepare supplications and other overtures for the lords of articles. But the nomination of a committee to precede the parliament, devolved on the king, who assumed the power of revising and suppressing the articles at discretion³⁴. Whatever was offensive was thus intercepted by an indirect, and previous control on parliament; but an active, and extensive influence was still requisite for the support of those innovations proposed by James. The commons still adhered to the crown. Commissioners had been recently introduced from the lesser barons, and as their numbers were undetermined, they were limited to a single suffrage for each county³⁵, but the addition which they brought to the commons, contributed to balance and abridge the authority of the peers. The ecclesiastical, or third estate had been almost annihilated, but was now augmented to ten prelates, indigent and devoted by their poverty and expectations to the crown. The *Lords of Erections*, of monastic benefices secularised, or erected into temporal lordships, were attached to James by personal gratitude, or the more compulsive fear of a future revocation. The popish lords were obnoxious to the church, and dependent on

³⁴ Parl. 1594. ch. 218. See also NOTE I.

³⁵ Baillie's Letters, vol. i. p. 228. By the act 1587, counties were ordered to send two or more commissioners to parliament, but the numbers were fixed by custom before Charles I. when each commissioner obtained a separate vote.

his protection; and in general the nobility, unaccustomed, unless in the field, to resist their sovereign, were more disposed to share in his prodigal bounty than to hazard his displeasure.

BOOK

1.

1606.

These dispositions were skillfully improved by Sir George Hume, the favorite minister, created earl of Dunbar, and dispatched from court, with letters to solicit the votes, and instructions to conciliate the support of the nobles. The parliament was held at Perth, and in a preliminary recognition of the royal authority, the concise simplicity which distinguishes the Scottish statutes, was exchanged for the tone and style of Oriental adulation. The prerogative was indefinitely confirmed; the king was acknowledged an absolute monarch, the judge and governor of all estates; and by an absurd excess of flattery, whatever statutes might derogate thereafter from his supreme authority, were previously abolished. Expressions grateful to James were conceded as nugatory, but the statute remains a monument, perhaps the earliest, of national servility¹⁰.

Prerogative
extended.

It was more difficult however, to restore the bishops to their temporal possessions. Their order had neither been directly suppressed, nor entirely abolished, and the king was authorised, by a statute to which we have already alluded, to recal the ecclesiastical estate to parliament. But the possessions and revenues of the church, that reverted, after the reformation, to the sovereign, were exhausted during his minority by the importunate

Annexation
of church
lands dis-
solved.

¹⁰ MS. State Papers, Adv. Libr. Parl. 1606. ch. i. ii.

nobles,

BOOK

I.

1606.

nobles, or annexed to the crown as its ancient patrimony, recovered and appropriated to support its dignity³⁷. The bishops whom the king might nominate, but could not endow, were thus consigned by their creation to indigence, by their indigence to popular contempt and obscurity; and as none were ambitious of this painful pre-eminence, the act of annexation was considered justly as the barrier of the church. Its repeal was sufficient to reinstate the bishops in their temporal possessions and dignity; but we are informed that the opposition encountered in parliament, was surmounted with difficulty by Dunbar's address, the secretary's eloquence, and the chancellor's wisdom³⁸. The intrigues of Dunbar were probably more efficacious than the eloquence of his colleagues. The commons submitted reluctantly to the influence of the crown. The nobles were probably most averse to a precedent for the future revocation of their rights, but the bishops and lords of erections concurred to support their respective interests. The latter acquiesced in the restitution of bishops to their ancient benefices, estate, and dignity; the former assented to the confirmation of every preceding erection; and the same act, says an indignant historian, re-established thirteen dilapidated bishopricks, and converted seventeen inferior, though richer benefices into temporal lordships³⁹. The bishopricks, as benefices of cure, had escaped such

³⁷ Parl. 1587. ch. 29.³⁸ State Papers, MS.³⁹ State Papers, MS. Spottisw. 496. Calderw. 531, 4-
erections;

erections; but were restored in a diminished and impoverished state; their extent reduced by numerous infeudations, and their revenues impoverished by long leases for an inadequate value. But the bishops were grateful or obsequious: their suffrages requited James with a subsidy of four hundred thousand merks, to be raised in four years⁴⁰; nor did an unaccustomed tax to relieve his distresses, appear improper to parliament, or inconsistent with the alienation of domains allotted to support the dignity of the crown.

B O O K
1.
1606.

The clergy had resorted to parliament from different presbyteries, as supplicants for the persecuted ministers, their afflicted brethren. We may believe that every effort was exerted, every argument was certainly exhausted, by their zeal to obstruct the introduction of prelacy. A concealed assistance was expected from the earl of Dumfermline the chancellor, exasperated by recent disputes with Dunbar, and averse to the temporal power of the prelates; but his credit was endangered at court, where he was accused by Spottiswood, archbishop of Glasgow, of connivance with the clergy, and he sought to recover his master's confidence by submission to his schemes. A protestation which the clergy prepared, was contumeliously rejected by the lords of articles. Their endeavours to excite opposition were defeated, and their minds

Opposition of the clergy.

⁴⁰ Little more than 22,200*l.* sterling, but more than double the amount of any former taxation. Balfour's Annals, MS.

B O O K

I.

1606.
Conference
at court.

were alternately soothed or intimidated, by the partial assurances and the threats of Dunbar⁴². But the hierarchy was yet imperfect: the prelates were invested with no jurisdiction, nor distinguished by any spiritual supremacy in the church. Whatever be the origin of human inequality, opulence constitutes the most durable basis on which the distinctions of titles, ancestry, pre-eminence and power, are constructed and preserved. The benefices of the prelates, although inadequate to the splendour or pride of the mitre, exceeded the measure, and might have silently undermined the whole structure of presbyterian equality; substituted a scale of expectations and dependence; and in the lapse of years, reduced the church to an episcopal form. But the slow operation of natural causes was disregarded by the king, who proposed by a conference, to restore tranquillity to the distracted church, and by an ecclesiastical convention, to revive the pastoral dominion of the crozier. Of the prelates the two archbishops, and the bishops of Galloway, Dunkeld, and Orkney, on the part of the clergy the two Melvilles, Andrew the venerable successor of Knox, James his nephew, and six others, were summoned to court. The illegal nature of the assembly held at Aberdeen, the expediency of a peaceful convention of the clergy, were the subjects proposed by James for the conference; and on the first article, the responses of the bishops re-echoed the sentiments not obscurely expressed by himself. They condemned the meeting as ille-

Sept. 22.

⁴² Calderw. 520, 6. 531, 6. Spottisw. 590, 5, 6.

gal; its members as turbulent, their proceedings as seditious. The ministers refused to pronounce or to anticipate the sentence of their brethren, but recommended a free assembly to appease the rising discontent of the nation. Their behaviour to the king was respectful; to his ministers their language was more acrimonious than charitable; and between religious parties, whose object is victory, to whom the truth is comparatively of little value, the controversy terminated as might have been expected, in recrimination and reproach⁴³.

B O O K
I.
1606.

Concessions not to be extorted at the conference, were solicited in private, and they were interrogated by such of the Scottish council as attended in London, whether they prayed for the refractory clergy, acknowledged their assembly, or approved their treasonable *declinature* of the jurisdiction of the council. "I am a free subject of Scotland," was the energetic, and prompt reply of the younger Melville; "a free kingdom that has laws and privileges of its own. By these I stand. No legal citation has been issued against me, nor are you and I in our own country, where such an inquisition, so oppressive as the present, is condemned by parliament. I am bound by no law to criminate, nor to furnish accusation against myself. My lords, remember what you are. Mean as I am, remember that I am a free-born Scotsman; to be dealt with as you would be dealt by yourselves, according to the laws of the Scot-

Melville
persecuted

⁴³ Calderwood, 537, 41. Spottisw. 497, 8.

BOOK
I.

1606.

"tish realm."" Their spirit and perseverance might have finally triumphed, had not the imprudence of the elder Melville furnished a grateful pretext for persecution and punishment. While their return was interdicted, their attendance at the royal chapel was repeatedly enjoined, and the prelates who officiated on those occasions, were instructed to dissipate their prejudices respecting the supremacy, and the divine right of the episcopal church. But the sermons of the English prelates were heard with contempt; the rites of the chapel were beheld with abhorrence; and the oblations at the royal altar, the chalices, folded volumes, and darkened candles with which it was decorated, were stigmatized by the elder Melville, in a latin epigram, as the superstitious relics of the scarlet whore". His verses were suffered to transpire, and under the examination of the English privy council, his patience was exhausted and his zeal sublimed to a temporary phrenzy. During a vehement invective against the hierarchy, he shook perhaps with a rude hand, the white sleeves, or the "Romish rags" of the primate's surplice, and assailed with the same intemperance the courtly doctrines of the suffragan bishops. Neither extreme old age, nor his irritable and impetuous

" Parl. 1585. ch. 13.

" Cur stant clausi Anglis libri duo, regia in ara
Lumina cæca duo, pollubra sicca duo ?
Num sensum cultumque dei, tenet Anglia clausura
Lumine cæca suo, forde sepulta sua ?
Romanam et ritu, regalem dum instruit aram,
Purpuream pinget religiosa lupam.

temper,

temper, nor his talents, erudition, or early celebrity, could extenuate or procure the remission of a venial offence. After four years imprisonment in the Tower, his release was obtained by the duke of Bouillon's intercession, on condition that the remainder of his life should be spent in exile. The friend of Theodore Beza, whom the church of Geneva, on the death of Knox, had resigned with reluctance to Scotland, retired in his old age to Sedan⁴⁵; his nephew, a mild and more amiable character, was confined for life to Berwick, on the confines of his native country from which he was interdicted; and the rest were banished to remote districts of Scotland. As the members of an established church, they were invited by James to a free conference, and without the imputation of heresy, were punished as sectaries whom it was dangerous to tolerate, and impossible to reclaim. Such severe and unmerited persecution, whether ascribed to the instigation of the prelates, or to the early and implacable resentment of the sovereign, marks the natural transition of the heart, from the uncontrolled exercise, to the abuse of power, from theories of divine and despotic, but mild authority, to practical tyranny and personal revenge.

⁴⁵ Spottisw. 500. Calderw. 548, 64, 9. 645. His nephew died in 1614, himself in 1620. After ten years absence he had returned in 1574 to Scotland from Geneva; which, as Beza intimated in a letter to the assembly, "suffered herself to be "despoiled of his abilities, that the church of Scotland might "be thereby enriched." Calderw. 64.

BOOK

I.

1506.
Ecclesiasti-
cal Con-
vention.

Dec. 10.

Their attendance had been prolonged at court, to withhold their presence or advice from the approaching convention, the members of which were selected by the bishops, and without election, summoned by the king from their respective presbyteries.

The convention was held at Linlithgow, in the depth of winter ; and, however irregularly appointed, assumed the name, and soon arrogated the authority of a legal assembly. We may presume, that the members were recommended as not inimical to the bishops, but an open recognition of episcopacy was still premature. An overture from James, to establish permanent moderators, with an additional stipend, in each presbytery, startled them at first as a dangerous innovation. Such, according to the presbyterians, was the original overture, till modelled anew by the court, and promulgated after the convention, with two surreptitious additions, memorable as the spiritual pillars of the episcopal fabric⁴⁷. The bishops were appointed moderators of the presbyteries within which they resided, and perpetual moderators of provisional synods. The moderators and clerks of presbyteries, whom the convention rendered permanent, and their salaries dependent on the bishops, were declared official members of each assembly. It was afterwards discovered that forty thousand merks were distributed among the clergy, by the earl of Dunbar, as bribes to reconcile the most clamorous or necessitous⁴⁸.

⁴⁷ Calderw. 550, 61.

⁴⁸ Calderw. 556, 65. Balfour's Annals, MS. Historia Motuum, by Spang.

The presbyteries mostly acquiesced in those regulations; intimidated, though averse to their appointed moderators. In the Synods they resumed their independence, protested against an assembly created without election; rejected its acts as surreptitious, or declined the bishops as perpetual moderators. The Synods were prohibited, interrupted, or dispersed as seditious⁴⁹. The members were obnoxious to legal penalties; but the prelates had acquired an important advantage which they were desirous to improve. The parity of the church was subverted; their authority was partially established in every presbytery; and until their powers were silently matured by time, they were satisfied with suspending the provincial Synods, which they could not regulate; and despaired to subdue.

These transactions furnish a singular example of a prince, the proselyte of a new religion, endeavouring to impose it by persecution on his ancient subjects, not from bigotry, but from a false persuasion that the pillars of the throne existed only in the orders of the hierarchy. The civil and ecclesiastical union of the kingdoms originated equally from the same motives, the increase and stability of the regal power; nor, where both were prosecuted as connected branches of the same system, is it possible to attribute either to purer views of a distant or more patriotic utility. The union of the kingdoms was conducted by their re-

⁴⁹ Calderw. 569, 73.

BOOK
I.

1606.

1607.
Projected
improvements.

pective parliaments, nor enforced in opposition to the sentiments and prejudices of the people. But the conformity of the churches was undertaken by prerogative, and urged with a perseverance fatal to the descendants of James.

This year a convention of estates was held; an assembly which differed from a parliament, although the members were the same, as its legislative powers were confined to taxation, raising forces, or the regulation of trade. To the nobility the king recommended the observance and better execution of the laws; to the commons the encrease of their infant commerce, the prosecution of their neglected fisheries, and a sedulous application to the woollen manufactures, the source of prosperity and wealth to England. He exhorted both to extirpate the deadly feuds that prevailed through Scotland, and to reclaim from barbarism the savage natives of the Highlands and Isles³⁰. These were magnificent and useful objects; not unattainable by the co-operation and steady support of James; but in the suppression of feuds, in the regulation of the Borders, the Highlands and the Isles, his success corresponded neither with his intentions nor his power.

Suppression
of feuds.

Hereditary quarrels had become so inveterate, that they required the special interposition of the privy council; and at the same time so numerous, that they were recorded like actions in a court of

³⁰ Spottisw. 490.

law.

law. The streets were infested with the retainers, the courts of justice, and the parliament itself, were interrupted by the conflicts of hostile families, and the wounds received or inflicted, were productive always of fresh animosities and of a future revenge⁵¹. The privy council interposed successfully, in the accommodation of feuds; but it is observable, that wherever the administration of justice is capricious or partial, the practice of private revenge will predominate. The earl of Crawford had assassinated his kinsman, Sir Walter Lindsay, but continued to reside unmolested in Edinburgh, till Sir Walter's nephew collected an armed force to revenge the murder; and their uncle, lord Spynzie, interposing between the combatants, was inadvertently slain. Lord Maxwell, who persisted in deciding a disputed right in the field, had escaped from confinement, and when pursued as an outlaw, his life was preserved by the exemplary fidelity of his domestics and friends. Persecution rendered him desperate, and prone to avenge his domestic resentments; and the chieftain of the Johnstons, who had formerly slain his father, was invited to an amicable conference and treacherously murdered⁵². Those internal disasters might have instructed James, that impartial justice is the most effectual corrective of private revenge.

⁵¹ Spottisw. 496. Life of Welsh, p. 5. Balfour's Annals, MS. State Papers, MS vol. i. ii. Adv. Lib.

⁵² Spottisw. 401. 504. Johnston, 182. 438, 49.

BOOK

I.

1602.
 Situation of
 the Borders.

The inhabitants situate on the confines of the two kingdoms, and subject to the regular jurisdiction of neither, were fierce, rapacious, and turbulent; and under an imperfect species of military authority, exerted by their wardens, were still divided into septs or tribes, unaccustomed to laws and inured to rapine. Their habits were averse to industry, and impatient of labour; their fields, exposed to the incursions of the English, had remained uncultivated, and their subsistence was chiefly derived from indiscriminate pillage. Their morals were licentious; theft, robbery, and murder were honourable; perjury, adultery, and incest, familiar crimes³³. Without the virtues of either, they seemed to unite the vices of a barbarous and more civilized state; their valour, exercised in constant warfare, was long regarded as the defence of Scotland; and in a pastoral country, where all were horsemen, when the beacons announced an hostile incursion, ten thousand have assembled on horseback in the space of a day³⁴. But their valour was dangerous when excited by the turbulent nobles, troublesome from the frequent interruptions of peace with England; and the government despairing hitherto of their civilization, was satisfied if able to repress their insolence, and impose a partial restraint on their depredations. Their civilization

³³ State Papers, MS. vol. iii. Nicolson's Border Laws, p. 115.

³⁴ Lesly's *Scotiæ Descriptio*, p. 5.—De Mor. Scot. p. 59. Major's Hist. p. 20.

was attempted, when, in consequence of the accession, they had ceased to be formidable. To prevent their depredations, arms and the use of horses were vainly interdicted. To reduce them under the coercion of the laws, the most desperate were conducted by Buccleugh to the Belgic wars; the most criminal or unfortunate were extirpated by the cruel policy of the earl of Dunbar. The waste, though fertile lands on the borders, began then to be cultivated; the *debateable* lands, an asylum hitherto for thieves and outlaws, were divided and appropriated to each kingdom; and a tribe of Grahams, from their crimes peculiarly obnoxious to justice, were expelled from their habitations on the banks of the Esk and transported to Ireland⁵⁵. The severity of those regulations was sufficient to restrain depredations, hostilities, and outrageous violence, but many years of progressive improvement were necessary to reduce the borders under a proper subjection to the laws.

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1602.

The Highlands were less accessible to improvement, and less submissive to government. Separated by their mountains, and divided by a peculiar language from the rest of Scotland, the natives have continued a distinct, and unmixed race, and preserved the genuine, unadulterated remains of the ancient Celts, to whose dress and manners there is nothing similar among the Gothic nations of Europe. The productions of the Celtic muse would per-

Highlands;

⁵⁵ Stow Chr. 819. Johnston, p. 374. 414, 39, 93. Grotii Hist. lib. xiv.

suade us to ascribe to their early manners, a civilization inconsistent with an utter ignorance of the arts of life; an uniform heroism unknown to barbarians; a gallantry which chivalry never inspired; a humanity which refinement has never equalled; and to believe, that before their advance to the shepherd state, they possessed a correct taste, a polished diction, a cultivated and sublime poetry, enriched with the choicest images of classical antiquity, and intermixed with all the sentimental affection of the present times. Their history contains no marks of primeval refinement, unless we can persuade ourselves, that their descendants as soon as they approached observation, degenerated on emerging from the savage state, and became more barbarous in proportion as they became more civilized. The virtues of a generous hospitality, attachment to their leaders, fidelity to their associates, they shared in common with other barbarians; but they inherited also the vices of barbarians; an incurable sloth; an intemperance unrestrained except by their wants; a perfidy that disregarded the common obligations of oaths; a proverbial rapacity and the most sanguinary revenge. The rights of property were contemned as on the borders; and as there, the principal sagacity was exerted in concealing or investigating the minute traces of their mutual depredations. Their revenge was more comprehensive and horrible; and not unfrequently a family, a village, or a small tribe, beset by night in their habitations, or inclosed in church, have been consumed

consumed with flames³⁶. Their valour was defultory; not inferior to that of the borderers. They delighted in irregular attacks, or a precipitate onset; their defensive arms were a buckler, and light corselet of leather; their offensive, a large dagger, a battle axe, or a broad and massy sword, which they wielded with a vigorous and irresistible arm. Their dress was simple, parsimonious, and uniform; a short vest, and a loose and variegated plaid, whose extremity was fastened around the loins; and if decency were consulted, however imperfectly, in their national dress, their limbs remained uncovered, and exposed to a rigorous climate³⁷. It is impossible to ascertain the period or the origin of their confederation into clans, whose antiquity ascends beyond their historical, or even fabulous traditions. In every barbarous and distracted country, the same necessities of defence and protection have created small and subordinate confederacies; but in the highlands they acquired a solidity; the chieftain a patriarchal authority, the

³⁶ See Johnson's Journey to the Western Islands, vol. x. of his works, p. 367—73.

³⁷ Major's Hist. 34. Lessly, 53, 5. *Braccae*, or trowsers of tartan, have been erroneously considered as their more ancient dress. But Gallia Braccata was peopled with Germans, or Belgic Gauls, from whose Gothic dress, contrasted with the Celtic in Aquitain and Gallia Celtica, it derived its name. Pinkerton on the Scythians and Goths, p. 84. 146. Lessly, who mistakes the plaid (*chlamys*) for the *braccae*, acknowledges their *femorata simplicissima, pudori quam frigori aptiora*. Major describes their dress more concisely. A medio crure ad pedem caligas non habent; chlamyde pro veste superiore, et camisia, croco tineta, amittuntur.

people a submissive attachment to his person, which the feudal times had no tendency to inspire. The inequalities of birth and fortune operate irresistibly in the shepherd state³⁸. The animosities that divided the clans, attached them to their chieftains, whose authority was never eclipsed nor restrained by the presence of a superior; and after the introduction of surnames, when the clans had adopted the name or patronymick assumed by their chieftain, they believed and propagated with credulous satisfaction, their common descent from the loins of his progenitors. Thence proceeded an inviolable attachment to his person, cherished on his part by a rude hospitality, maintained by them in his adverse fortune, notwithstanding every temptation to desert, or punishment if they refused to betray their chieftain. Loyalty was always a secondary passion, subordinate to the allegiance due to their chieftain, who protected or encouraged their private depredations, and whose banners they followed implicitly, whether directed against neighbouring tribes or the sovereign himself.

Their coercion had been attempted ineffectually, by such regulations as a nation imposes on the savage hordes that infest its frontiers. Hostages were exacted from each chieftain, whose lives were responsible for his peaceable demeanor; for the compensation of losses sustained from the clan; and the surrender of public offenders to justice. Wherever the clan protected or harboured robbers,

³⁸ Smith's Wealth of Nations, vol. iii. p. 77.

the individuals were indiscriminately apprehended, and their effects confiscated or secured till restitution was made³⁹. Regulations not susceptible of a strict execution must have failed to intimidate, and the licentious spirit of those fierce mountaineers remained unsubdued. A memorable example, the severe and almost entire extirpation of the Macgregors, was more efficacious. The district of Lennox had been repeatedly ravaged, and the Colquhouns, in different engagements, defeated and slaughtered by that mischievous clan. On the approach of the earls of Argyle and Huntly, the latter abandoned their habitations in despair. The clan retired with their wives and children to caves and forests, resumed the habits of savage life; and in wandering or committing depredations through the highlands, were pursued and consumed, by the sword in summer, by famine in winter. Their chieftain surrendered, on assurance of being transported beyond the realm; but the condition was literally fulfilled, or rather perfidiously evaded by the privy-council; and he was first conducted to Berwick, then to Edinburgh, and executed with seven hostages innocent of his crimes. Without habitations, and accompanied on every excursion by a train of women, their numbers and their misery increased their audacity, till their retreats were discovered, and the fugitives were pursued by Argyle, through

³⁹ Parl. 1581, ch. 112. 1585, ch. 16. 1587, ch. 93. 1594, ch. 231.

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woods and mountains, with such destructive slaughter, that the children, a race of future banditti, were almost alone preserved⁶⁰.

The Hebudes or western islands, though relinquished by Norway in the fourteenth century, had never been properly subjected to Scotland. If historians are to be credited, the natives must have inherited and combined the vices of their double origin: the indolence, savage pride, and obdurate cruelty of their Irish progenitors; the riotous and profligate luxury of a race of ferocious pirates, their Norwegian conquerors. Destitute not only of laws but of morals, deficient not less in religion than in humanity, they are uniformly represented as more barbarous and vicious than the inhabitants either of the Highlands or Borders; as a race incapable of submission, unsusceptible of culture, whom it was less difficult to exterminate than to reform⁶¹. Such at least were the measures

⁶⁰ Johnston, 307. 486. Calderw. MS. vol. v. 599. Spottis. 516. Birrel's Diary, MS.

⁶¹ "Insulani occidentales, immanitate barbari, feritate, ignavia, luxuria, superbia, deterrimi.—Homines agrestes, sine legibus, sine moribus, sine urbium cultu, ac prope omnino humanitatis et religionis expertes." Johnst. 103. 231. "The highlanders that dwell on the main land are barbarous for the most part, and yet mixed with some shew of civility; they that dwell in our isles are all utterly barbarous." King James' Works, p. 159. The Norwegians possessed the western islands from 850, or 910, to 1268. As the names of places, and of the principal families, are still Norwegian, which must have been then the predominating language, there is reason to believe that the barbarity of the islands was augmented afterwards, by

measures of improvement projected by James, to transport or extirpate the most turbulent or intractable, and re-people the islands with new inhabitants. He expected, with all the visionary hopes of a projector, that the industry of the Lowlanders, transplanted thither, would be successfully exerted in the construction of villages and the plantation of orchards; in cultivating and inclosing the neglected fields, and reclaiming a remnant of the natives from barbarism. The first colony was attempted at Stornaway. The inhabitants were subdued, and their chieftain betrayed by his perfidious brothers, but when the adventurers proceeded to divide and appropriate the Lewis to themselves, a surviving brother, beset and burning their habitations, compelled them to surrender. Another expedition was not more successful; and the intruders, harassed and infested by the islanders, were again expelled⁶².

These and other improvements suggested by James, were defeated by a profusion that knew no limits, and a poverty for which there was no cure. Manufactures received no encouragement but barren exhortation; trade and fisheries no assistance, but an unavailing prohibition against the approach of foreigners to fish on the coasts.

These improvements obstructed.

by fresh accessions of Irish colonies. Pinkerton, *Introd. to the Hist. of Scotland*, vol. i. 350. ii. 303.

⁶² Johnst. 231. James's Works, 159. Spottisw. 463, 90. 505. The islands were then offered, Lewis and Sky excepted, to the Marquis of Huntly for 10,000*l.* Scots; but he refused to give more than 400*l.* for what was merely a permission to conquer them. State Papers, MS. 1607. Adv. Lib.

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I.

1602.

Expectations were entertained of relieving the necessities of the court, and the poverty of the country, from a vein of silver recently discovered, that promised a copious supply of the richest ore. The people were first disappointed, as the produce of the mine was conveyed to London, to be refined in the tower. But the vein, which was soon lost or exhausted, betrayed the king into additional profusion, and deceived the extravagant hopes of the English court⁶¹.

Should those occurrences appear uninteresting, or beneath the dignity of historical narration, let it be remembered that Scottish history affords not at present a copious selection of great exploits.

With the monarchs the government was virtually transplanted to England; and when its ancient alliances and wars were discontinued, or conducted through the intervention of another state, its history was reduced to such domestic transactions as illustrate the progressive situation of the country.

After the accession, the reign of James was inglorious and useless; it was consumed in a despicable, yet memorable struggle with the clergy, conducive in the sequel to the most important events.

Discoveries
respecting
Gowrie's
conspiracy.

His influence over the church was increased by discoveries of an unexpected nature, relative to

⁶¹ Lodge, *Illust. of Brit. Hist.* iii. 343. Winwood, ii. 422, 31. Johnst. 432, 54. The mine was near Linlithgow, and yielded, from 100 oz. of ore, sometimes 60, sometimes not 8 oz. of silver. The gold mines of Crawfordmuir were also refumed, and yielded James, for 3000*l.* of expences, not quite 3 oz. of gold. State Business, MS.

transactions

transactions of his former reign. The conspiracy imputed to Gowrie and his brother, is still mysterious, and scarcely explicable; nor was it esteemed more incredible then, that the king should accede to a stratagem for their destruction, than that a dark and desperate attempt should be made on his life, by two brothers young, gallant, and generous, without associates and without resources. Their father's memory was dear to the clergy; their own merit had excited the fond expectations of the people. Neither the people nor the clergy were partial to James, or disposed to acquiesce in the exaggerated and contradictory reports of his courtiers⁶⁴; but an opportune discovery was at length obtained. A notary in Eyemouth, whose name was Sprott, had divulged such particulars as indicated a personal knowledge of the crime. When apprehended and examined by the privy council, the notary seems to have persisted, above two months, in a denial of the fact, or in declarations to which no credit was given⁶⁵. But he confessed at last, that the conspiracy had been concerted between the earl of Gowrie and Logan of Restalrig, whose confidential servant was employed as a messenger to interchange their letters; that the correspondence was afterwards inadvertently commu-

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⁶⁴ Robertson's Hist. p. 470, 80. Calderw. MS. vol. v. 405. Spottisw. 456.

⁶⁵ He was apprehended in April, but the confession to which he finally adhered was not delivered till July 5th. Earl of Cromarty's Relation of Gowrie's Conspiracy, p. 51, 3. Archbishop Abbot's Account of Sprott's Trial, p. 53.

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communicated by Bowr the servant to Sprott his friend, who purloined a letter from Gowrie, and another from Logan, which had been returned by the earl as soon as it was perused. As his gratitude to Logan his benefactor, or fidelity to the servant, had concealed the conspiracy during their lives, Sprott was arraigned on his own confession, and by those laws which, on some occasions, may render private virtues a public crime, convicted of the constructive treason which he forbore to reveal. His confession was renewed, or as we are gravely informed, attested at his execution by a solemn sign; when thrown from the ladder, he clapped his hands thrice together before he expired⁶⁶.

Logan's
attainder.

Although Logan and his servant were already dead, his memory was still exposed to persecution, and his innocent offspring reserved for punishment. According to a legal maxim, that no person can be condemned in absence, his bones were dug up, and in the succeeding parliament arraigned at the bar. His letters were produced, and as the hand-writing was authenticated by respectable witnesses, his estates were confiscated, his name abolished, and his issue attainted. The sentence was not less illegal than odious, for trial after death was limited by statute, to those whose treason was notorious during their

⁶⁶ The fact, although attested by Spottiswood in his Hist. p. 509, is omitted in the attestation of Sprott's behaviour at his execution, subscribed by the same historian, and those who attended on the scaffold. Abbot.—Calderwood and Johnston are also silent; the latter informs us that his hands were bound: *religatis post tergum manibus*, p. 267. Such is the credit due to a popular story, universally received.

lives.

lives. Nor was the sentence unanimous, till, in consequence of the urgent persuasions of Dunbar, the lords of articles acknowledged, with tears of joy, their entire conviction of the truth of a conspiracy formerly doubtful, and still so obscure⁶⁷.

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Whatever was the nature of that conspiracy, the discovery employed to ascertain its truth, is obnoxious to just suspicion, when minutely examined. Sprott, a notary too insignificant, and his crimes too trivial for a vindictive punishment, should have been reserved as the only witness to whom Logan's treason was personally known; nor can his execution be justified by the confirmation inhumanly expected from his dying declaration. There were two letters produced at his confession, the one from Gowrie which afterwards disappeared, the other a transcript of Logan's answer, the original of which was preserved among his writings, and engrossed in his indictment. But at Logan's posthumous trial, four additional letters were produced; and although the discovery of these might be recent, the letter formerly inserted in Sprott's indictment, was again exhibited in a different form; enlarged, amended, and replete with such material alterations and additions, that the forgery is manifest, and reflects such utter discredit on the whole correspondence, that the evidence for its authenticity can amount to no more than a proof of the dexterity with which the forgery was exe-

On forged
letters.

⁶⁷ Robertson's Hist. p. 475. Dalrymple Lord Hailes Memorials and Letters, i. 15.

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puted. There are other contradictions perceptible in the letters⁶⁸, which must have been fabricated either by the notary; previous to his imprisonment, or in the privy council, by an artful and insatiate minister, desirous to benefit by Logan's forfeiture, and to exculpate his master from the destruction of Gowrie. We are assured that Sprott was a notary, long practiced and expert in forgery, capable of devising the letters from the preposterous expectation of obtaining a reward, but unable to endure with fortitude the extremity of torture. When exposed to the torture he acknowledged the forgery; but a promise from the earl of Dunbar to provide for his family, induced him, it is said, to renew his former confession, when assured that his life was already forfeited, and his execution certain⁶⁹. His confession was uttered in despair, "when he was resolved to die, and had no thought

⁶⁸ See NOTE II.

⁶⁹ *Scriba tam felix in imitandis chirographis, signisque effingendis, ut veri ne an falsi vix internosci possent. Itaque anceps diu questio fuit; diu inficiatus conscientiam facinoris voce vultu, propter inanes suspiciones crudeliter torqueri videbatur.* *Johnst.* 267. "This notary could counterfeit any man's hand, "so that no man who knew Restalrig's hand-writing could "discern it to be counterfeit. When he was booted," a torture applied to his legs, "he protested that all was false he "had said or written. When the earl of Dunbar came to the "country, he caused to take him out of jail, and cure his legs "bruised with the boots; and when presented before the "council, he declared that although the letters were written "and devised by himself, the matter was true." *Calderw. MS.* vi. 140.

"nor a wish to live"⁷⁰; and it is extremely probable that the severe torture by which he was excruciated, had rendered death a desirable refuge from misery and pain. Spottiswood, a courtly historian, officiated at his trial as a judge, and at his execution as a clergyman: as a lord of parliament he could not be ignorant of Logan's conviction; yet he hesitates to relate, as he professes not to believe the confession; and the cause of his incredulity, that Sprott was never able to produce the originals, intimates not obscurely that Logan was attainted upon counterfeit letters⁷¹. It is probable that vague surmises were entertained and divulged, or that the letter inserted in his confession was devised, by Sprott, from the expectation of a reward. But the subsequent forgery of the letters produced at Logan's trial, must be imputed to those to whom his attainder might prove beneficial. Balmerino the secretary, had purchased Logan's estates, but the price remained unpaid at his death; to be extinguished by his attainder and a gift of his forfeiture. The benefit was probably intercepted by his own attainder, which I shall proceed to relate; but it affords a curious, and unhappy picture of the times, when two ministers of state, Dunbar and

⁷⁰ See his confession in Cromarty, 118. Abbot. 44.

⁷¹ Spottisw. 509. He sat as assessor to the justice general, and attended the execution. Abbot. 47. Calderw. "Whether or not," he says, "I shall mention the confession and arraignment of Sprott; I am doubtful; it seemed a very fiction and to be a mere invention of the man's own brain, for neither did he shew the letter."

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Balmerino's
treason.

Balmerino, are involved in the complicated guilt of forgery, false accusation, and judicial murder⁷².

During the last years of Elizabeth, James, while his succession was yet precarious, had endeavoured to conciliate the English Catholics, by negotiations with those continental princes to whom their interest was devoted. His intentions were seconded, if not exceeded, by the zeal of his ministers; and in order to establish a correspondence, or facilitate their intercourse with the Romish see, they procured a letter from James to Clement VIII. The letter was disavowed to Elizabeth, and forgotten till revived by Cardinal Bellarmine, who accused James, in an answer to one of his controversial performances, of renouncing the mild and tolerating sentiments expressed to Clement; and disappointing the expectations artfully suggested by himself or his ministers, of his becoming a speedy proselyte to the Romish church. A correspondence with the Pope, to a protestant monarch, is always dangerous; but to James, a sovereign and an author, it was doubly injurious. Lord Balmerino the secretary was then at court; and confessed, it is said, that the letter was concerted without the direction or knowledge of his master, and subscribed

⁷² Douglas' Peerage, p 65. Staggering State of Scottish Statesmen, 61. I conceive that the mine was prepared by Balmerino, and sprung by Dunbar. The benefit that would have accrued to Balmerino from Logan's attainder, was intercepted by his own attainder in the same year. But Logan's trial, although necessarily delayed till the parliament 1669, must have been concerted before Sprott's execution.

without examination, among other papers that required his signature⁷³. His own relation is different: that the king, although not averse to a correspondence with Clement, scrupled to concede his apostolical titles, which were afterwards prefixed to a letter presented with dispatches to different cardinals, and subscribed without hesitation by James⁷⁴. If Balmerino deceived his master, it was neither with a criminal intention, nor to a treasonable extent. But his ruin was secretly projected by Spottiswood, Dunbar, and Cecil, his implacable enemies; and, according to his own narrative, much address and many secret intrigues were employed to persuade him, by a more ample and explicit declaration, to exculpate the king. His life and estate were secured by promises; his offices were to remain at the king's disposal; and on those conditions, he acknowledged that the letter was surreptitiously obtained, when James had refused to correspond with the Romish see. His trial was remitted to Scotland, where he was convicted of treason, but the terms of his submission were faithfully observed. After a slight imprisonment, he was permitted to reside unmolested on his own estate, and survived his disgrace about two years. His abilities are represented as great and

⁷³ Robertson's Hist. 468. Spottisw. 507. Johnst. 448.

⁷⁴ His narrative is extant in Calderwood, MS. vol. v. and vi. and it is difficult to refuse him credit, when he appeals to the lords Burleigh, Lennox, Scoone and others, to whose testimony he refers his friends. James, in his reply to Bellarmine, avoids all mention of the letter, or Balmerino's confession.

splendid,

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splendid, his avarice as insatiable. He had risen to the joint, incompatible offices of president of the court of session, and secretary of state, in which the integrity of the judge must ever yield to the interest of the statesman⁷⁵: yet he stemmed the secret, and corrupt influence of Dunbar on the bench, with a spirit that probably accelerated his fall.

A parliament.

These transactions were succeeded by a parliament, in which the commissary, or consistorial courts, established at the reformation in civil judges, were restored to the prelates. Originally the court of session had consisted of an equal proportion of temporal and spiritual judges: but at a period subsequent to the reformation, the clergy were declared incapable of every civil and judicial function. At the request of the prelates, the archbishop of Glasgow was created an extraordinary lord of session, to restore a spiritual intermixture to the court⁷⁶, but the prosecution of this design was superseded by the institution of a new tribunal. The court of ecclesiastical, or high commission subsisted in England as a delegated exercise of the king's supremacy; but in Scotland, where no supremacy was yet acknowledged, no court of commission could be legally established. But wherever the laws were defective or silent, the prerogative was vigilant. Two courts of high commission were erected at St. Andrew's and Glasgow, of

1610.
High commission.⁷⁵ Johnst. 396.⁷⁶ Parl. 1584. ch. 133. Calderw. MS, vi. 224.

such transcendent jurisdictions that every ecclesiastical court was subordinate; with such inquisitorial powers that every individual might be cited and examined on his conversation, conduct, and religious opinions; excommunicated if impenitent, outlawed if contumacious, imprisoned and fined if obnoxious or guilty. There was no resource in the number of commissioners; for the archbishop and four assistants composed a quorum, whose power extended to all ranks, and whose sentence admitted of no appeal. Schools and colleges were subjected to their visitation, and the clergy, who disobeyed their injunctions, or refused to promulgate their mandates or censures, might be suspended, deprived, or imprisoned at discretion. In England the star-chamber and high commission were properly committees of the privy council; but the courts of commission in Scotland were co-ordinate in spiritual, with the privy council in its civil jurisdiction; and, on the translation of Spottiswood to the see of St. Andrew's, were united into one court, alike devoted to the king and to the bishops, nor less oppressive to the nation than to the church⁷⁷.

When the prelates had thus united the spiritual powers of the high commission, to their temporal dignity as lords of parliament, their authority over the clergy became irresistible. The council was filled with their order, and when it appeared that neither the courts of law, nor the depart-

Assembly
at Glasgow.

⁷⁷ Calderw. MS. vi, 228. 349. Spottisw. 514.

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ments of government, were inaccessible to their ambition, the officers of state were endangered daily by their accusations and intrigues. Instead of evading the control, they began to solicit the authority and sanction of a general assembly, a convocation which was no longer independent, nor properly elective. As commissioners of the church, they had acquired an official seat in its assemblies, and the same privilege was conferred on the permanent moderators and clerks of presbyteries. Lay elders were appointed by the king, and, as his letters signified to the presbyteries, those members whose election he solicited, we may presume that the requests which intimate the injunctions of a monarch were seldom disobeyed. An assembly thus constituted was held at Glasgow. The *moderation* of the synods, and the visitation of the clergy within their dioceses were confirmed to the bishops; the artillery of the church was committed to their direction; and their authority was declared indispensable, whether excommunication was hurled at the guilty, or absolution conceded to the tears and prayers of the penitent. The ordination and induction of the clergy to churches, their trial, degradation or censure when accused, were transferred to the prelates; but the presbyteries were despoiled of those rights by a pious fraud, practised without obstruction on a submissive assembly. The expression "ministers of the bounds" was substituted instead of "presbytery," which was represented as an ungracious epithet, harsh and offensive to the royal ear. But the prelates

prelates soon availed themselves of an ambiguous phrase, to associate a few of the neighbouring ministers and without the presence or concurrence of a presbytery, to proceed to the ordination, induction, or trial of the clergy. The success of this artifice encouraged a premature attempt for the suppression of presbyteries: a warrant to prohibit their meetings was produced by Dunbar; but the fears of the clergy interposed to deprecate an illegal measure, the source, and the probable signal of a spiritual revolt. They acquiesced with less reluctance in an oath of obedience to the king, containing a solemn recognition of his ecclesiastical supremacy, to be administered by the *ordinary* on the admission of ministers. Their submissive deportment had been secured and recompensed by gratuities, dispensed to the moderators of presbyteries as arrears of stipend, and to others as a *viaticum*, or provision to defray the expence of their journey⁷⁸.

Whatever powers the assembly had conferred, were afterwards confirmed and enlarged by parliament, to the full extent of the episcopal character. That character, however, was yet imperfect, in an important article which the humble presbyters had not to bestow. According to the arguments or language of polemics, as the sons of Aaron presided in the temple over the rest of the Levites, the Apostles, their successors under the new dispensation, acquired a distinct and peculiar ordination

Consecration of the prelates.

⁷⁸ Calderw. MS. vi. 260, 70. Spottisw. 512.

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and authority over the seventy disciples; a sanctity superior to the priests, which has been transmitted in apostolical succession to the bishops both of the eastern and western churches; to the abunas of Abyssinia, as well as to the prelates of England. The consecration of the latter was derived indeed from an impure source; their torches were kindled at the unhallowed flames of an idolatrous shrine. But the English prelates, from their original consecration in the Romish church, became the legitimate successors of the apostles of Christ, to whom the imposition of hands was given; and assumed as a right of divine institution, the exclusive ordination of the inferior clergy. As the Scottish prelates were not yet adopted into the apostolical order, three of their number were summoned to receive consecration at court. Their ordination even to the priesthood was questioned; but the objection was over-ruled lest their former presbyterian vocation should appear invalid; the subordinate order of priesthood were included, or supposed to be included in the episcopal, and supplied, if defective, by the regular consecration of the Scottish bishops. The apostolical character was conferred on Spottiswood and the bishops of Galloway and Brechin, and imparted on their return to their unconsecrated brethren⁷⁹.

On

⁷⁹ Spottisw. 514. Heylin's Hist. Presb. 387. Collier, ii. 701. The necessity of episcopal, and the invalidity of presbyterian ordination furnish a voluminous controversy, of which mention will frequently occur in our history. According to Hooker, the

OF SCOTLAND.

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On the death of the earl of Dunbar, their party was deprived of a strong support, and the sovereign of an apt and devoted instrument of arbitrary power. The death of an obsequious and oppressive minister was regretted by few; and the officers of state, who had felt that the power of a favorite was dangerous, and his friendship perfidious, endeavoured to regain their influence by the revival of *Octavians*. Eight commissioners of their own number were thus denominated, to whom the collection and administration of the revenues were formerly entrusted⁷⁹. But the influence of Dunbar was transferred to a worthless minion. The offices of treasurer, collector, and comptroller of the revenue were engrossed by Carre earl of Somerset, a Scottish youth, originally the page, and on returning from his travels, the pupil and the minister of his royal pedagogue. The administration devolved in Scotland on his kinsmen, whom his influence promoted to the most lucrative offices; but the avarice of both was pernicious to the nobility, and productive even of some slight commotions. Lord Maxwell, on his return to the country, was discovered and executed; but how-

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Execution
of lord
Maxwell.

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the apostles were bishops at large, the bishops apostles with restraint. The calvinists in general were less solicitous to connect themselves with Christ through the medium of Rome. They preferred an inward call, and submitted to imposition of hands, not as essential to ordination, but sometimes as good and holy, at other times as indifferent. Knox rejected it altogether as superfluous, but it was afterwards adopted.

⁷⁹ Johnst. 467. Calderw. MS. vi. 310, 14.

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1612.

And the
earl of Ork-
ney.

ever justly his life was forfeited, the sentence had been pronounced in his absence, on a charge of *wilful fire raising*, a species of treason employed to confiscate his large estates. Hereditary feuds were assuaged by his punishment, and the borders composed; but the nobility were alarmed at the unjust attainder of an ancient family. Their apprehensions were encreased by the destruction of the earl of Orkney, which established the authority of the crown and of the prelates beyond the northern extremity of Scotland, in the remote islands of the Deucaledonian ocean.

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These islands were the earliest acquisition or seat of the Pictish nation, and the last territorial accession to Scotland. When re-peopled by the Norwegian pirates, they remained from the ninth to the fifteenth century tributary to Norway, and subject to their own hereditary earls, whose progenitor, by a singular fortune, has given to England a long succession of Norman kings. Their possessions were transferred by females to a Scottish family, but the islands continued under the dominion of Norway till the marriage of James III. with Margaret of Denmark, when they were first mortgaged for her portion, and finally annexed to the crown of Scotland⁸⁰. They were conferred by

⁸⁰ Rognvald, the first earl, was the father of Rollo, William the Conqueror's predecessor. The islands passed by inheritance to the earl of Strathern and his daughter's successors, de St. Clair, but continued tributary and subject to Norway till mortgaged to James III. by Christiern of Denmark, for his daughter's portion, anno 1468.

Mary on Robert Stewart, her illegitimate brother. BOOK

His son, impoverished by expensive buildings and attendance at court, endeavoured, in a remote country, where his authority was subject to no control, to repair his former waste by oppression. It is probable that his oppression was exaggerated in the complaints of the Islanders, or aggravated by the acrimonious report of their bishop; but his possessions had excited Dunbar's avidity; the episcopal revenues which he had obtained from the crown, were solicited by the prelates, and the king descended to the mean, and unjust expedient of purchasing a large mortgage with which his estates were attached. After an imprisonment of three years, as he still refused to resign his right to the redemption of his property, his estates were seized, and his subsistence reduced to a daily allowance, suitable neither to his rank nor to his necessities. As his release was hopeless, and his ruin appeared inevitable, he was driven at length to the most desperate extremes. His son, the bastard of Orkney, was instructed to take arms, and to regain possession of the castle of Kirkwall, an ancient fortress of considerable strength. But his own escape was prevented by his guards; the castle was reduced by the earl of Caithness, and the bastard surrendered on the pious condition that no torture should be employed to extort a confession of his father's guilt. The father was convicted on the son's confession. His descent from a brother of the unfortunate Mary, gave him the strongest claim to the compassion of James; but as Somerset had succeeded

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1613.

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1615.

BOOK
I.1615.
Insurrec-
tion of the
Macdo-
nalds.

to Dunbar's expectations of his estate, every avenue to mercy was intercepted²¹.

At the same time the Macdonalds revolted in Cantire. They surpris'd a fortified place inIslay, but were reduced or expelled by the earl of Argyll, to whom their possessions in Cantire were transferred. Their chieftain was stained with the most atrocious murders, and had repeatedly resisted the arms, or escaped from the feeble coercion of government; yet in a few years he was recalled and rewarded with a liberal pension, by the same monarch who had appeared insensible to the ties of kindred, and inexorable to the slighter offences of the earl of Orkney. From an extreme facility, his government, at all-times arbitrary, was oppressive or lenient, according to the compliances exacted by his favorites²².

Execution
of Ogilvy,
a jesuit.

To the popish lords he was always lenient, though solicitous for their conversion; but the merit of toleration, or the praise of lenity, was obliterated by the unjust and cruel persecution of Ogilvy a jesuit. His life as a seminary priest was already forfeited, but the excessive and disproportionate severity of the punishment prohibited the execution of an inhuman law. With an affected moderation, professing to pardon his religious, and to punish only his political opinions, James transmitted a series of interrogatories, dangerous to a jesuit if answered with sincerity, ineffectual if the

²¹ Calderw. MS. vi. 337, 40. Johnst. 486, 93. 505. State Business, MS.

²² Johnst. 111. 232. 512. 699. Calderw. MS. vi. 338

opinions

opinions of his order were concealed. His confession was sincere, though replete with bigotry. He acknowledged the supremacy of the pope, and his right to excommunicate Christian princes ; reprobated the blasphemous oath imposed in England on Roman Catholics ; but rejected every interrogatory on the power of the pope to depose the king, or absolve his subjects from their oath of allegiance ; and declined, as a question still undetermined, whether a monarch thus degraded might be lawfully slain. In these questions the monarch was certainly less interested than the disputant, for the same topics had been agitated in his recent controversy with Cardinal Bellarmine. But the silence was not less fatal than the confessions of the jesuit. By a singular strain of tyranny, he was convicted of treason for declining the authority of the king and council ; and executed for his refusal to answer insidious interrogatories that affected his life. Under the arbitrary reign of a favorite, the possessions or the interest of a wealthy peer may alternately purchase his pardon or provoke his fate. But the execution of an innocent and wretched priest, must be imputed to the vindictive disposition of the sovereign, gratified only by the death of the victim that disputed his doctrines²³.

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- I.

1616.

King's
journey to
Scotland.

Hitherto the promise made at the Accession, to revisit the country every third year, had been suspended by the negligence and the poverty of James. His distresses were relieved, and his promise absolv-

²³ Arnot's Criminal Trials, 328. Spottiswood, 620.

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ed, on the surrender of the cautionary town to the Dutch. From Berwick he was conducted to Edinburgh, by slow journeys, with a splendid retinue of the English nobility; and in a few days he resumed his progress through the principal counties, visiting the scenes, and renewing the amusements of his earlier years. After so long an absence, his return was *welcomed* by the Scottish muse; and it is observable, as a proof of the wide diffusion of the ancient languages, that in every university, in every city, and almost in every mansion which he visited, his arrival was celebrated by panegyrical orations and classical poetry. But in literature the Scottish language was already exploded; and in authors reduced to the difficult alternative of a dead language or a foreign dialect, precision and purity, almost their sole study, must predominate over poetical invention²⁴. The disputations in the universities were better adapted to the taste of James. The professors were summoned to maintain scholastic debates in his presence; and his satisfaction was expressed in a series of quibbles on the names of the disputants, and the promise of a liberal donative to the university of Edinburgh, which had been erected by the citizens without his assistance, and continued afterwards to prosper unsupported by his patronage²⁵.

The

²⁴ See the Muse's Welcome of James. Johnst. Hist. 519.

²⁵ The universities of St. Andrew's and Edinburgh vied in the pedantry of those solemn disputations. James's wit is too contemptible to be transcribed, yet he was so delighted with it

The hierarchy was almost perfect, but under an episcopal government, the church retained the form of presbyterian worship; to enthusiasts a pure and exalted, to the superstitious a sordid and illiberal worship, that disclaimed the ornamental aid of a methodical ritual. To enliven its devotion, or rather to accelerate its conformity with the English church, an intermixture of ceremonies was recommended by James. It was the object of his expedition to Scotland, to enforce the observance of ceremonies peculiarly offensive to the English puritans, selected because he despaired of their conformity, till the example of the Scottish church were removed from their view. From the facility with which the prelates were restored, he expected equal success in the introduction of rites; nor did he mistrust the efficacy of the royal authority, or reflect that the clergy are more attached to the doctrines than to the discipline; the people more tenacious of the peculiar worship of a national church.

The first opposition was begun by the nobility, in a parliament assembled on his return to Edinburgh. From the late increase of the prerogative, and aggrandizement of the prelates, they were alarmed for their own independence, or for the preservation of the rich estates which they derived from the church. Their independence was asserted in the

Opposition
in parlia-
ment.

it that he directed his puns to be turned into English and Latin verse; of which last, three versions by his courtiers occur in the Muse's Welcome. Crawford's Account of Edin. College, MS.

election of lords of articles, and their estates were secured from revocation by rejecting the candidates recommended by the king. The officers of state had been hitherto conjoined with the lords of articles, but their admission seems to have been resisted so violently, that the estates were ready to disperse, and the king prepared to dissolve the parliament. A limited number was at length admitted; and it is probable that secret assurances were employed to assuage an unexpected opposition, unexampled during the absence of James. The articles continued subservient to the crown, the estates indifferent to the fate of the church. An act was secretly prepared, to declare "That in ecclesiastical affairs, whatever should be determined by the king, with the advice of the prelates and a competent number of the clergy, should receive the operation and the force of law." But the choice and the amount of a competent number, when referred to James, was ill calculated to disguise an absolute authority in ecclesiastical affairs. The design had already, transpired. A protestation was prepared by the clergy and presented to parliament, when the articles were about to be ratified by the imposition of the sceptre. It was impossible for James to recede with dignity: yet it was difficult to listen with indifference to a protestation that appealed to his own declarations, issued to avert the suspicions of innovation and change. The article was silently withdrawn from the sceptre, as prejudicial to that transcendent prerogative which it could not enlarge. By another article, chapters were assigned

to the different fees, and a mode prescribed for the election of bishops appointed by the king ⁸⁶.

800 £
1.
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On the dissolution of parliament, Simpson and Ewart who had subscribed the protest, and Calderwood from whose pen it was supposed to originate, were summoned to St. Andrew's, and convicted of a seditious remonstrance by the high commission. The former were imprisoned and suspended from their ministerial functions, the latter, the faithful though prolix historian of the church, incurred the peculiar resentment of James, and the additional sentence of perpetual exile. When a remonstrance to parliament was punished as seditious by the high commission, ecclesiastical, or rather regal tyranny was carried to the extreme ⁸⁷.

When the refractory ministers suffered deprivation, the most distinguished among the clergy were assembled at St. Andrew's, to witness the punishment, and to receive a salutary admonition from the example. Next day the ceremonies to be transplanted from England, were proposed by James: I. That the eucharist should be received in a kneeling posture: II. That it should be administered in private, in extreme sickness: III. That baptism should be administered in private if necessary: IV. That episcopal confirmation should be bestowed on youth: V. That the descent of the spirit, the birth, passion, resurrection, and ascension of Christ, should be commemorated as annual fes-

Religious
ceremonies
proposed.

⁸⁶ Calderw. MS. vi. 380, 1. Spottiswood, 533. Johnst. 520. Parl. 1617. ch. i. ii.

⁸⁷ Calderw. vi. 389.

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tivals in the church. It was the prerogative, he declared, of a Christian king, to regulate the external polity of the church, nor would he regard their disapprobation of those articles unless their arguments admitted of no reply. Instead of accepting a dangerous challenge to dispute with their sovereign, they implored a general assembly on their knees, that the ceremonies which he enjoined might be sanctioned by the approbation of the whole church. Their request was granted with difficulty, on assurance of an assembly submissive to his will²².

James, in his expectations of an easy, unresisting conformity, was deceived by the submissive deportment of the clergy, and the flattering representations of his prelates and their friends. The appearance of opposition, instead of inspiring his councils with moderation, or his mind with a presage of the spirit that afterwards pervaded the nation, roused his exalted ideas of the innate prerogative inherent in kings. Yet at present the five articles, into which the ceremonies proposed for the church were digested, may appear too insignificant to require or to justify, either the resistance of the clergy or the interposition of the king. But the slightest innovations are important in religion, and in some of those articles the most recondite, in others the most controversial doctrines of Christianity were involved. As the consequences were memorable, an explanation of each article is necessary in a history frequently occupied with ecclesiastical transactions.

²² Calderw. vi. 399. Spottisw. 534.

I. The real presence of Christ in the eucharist, is a doctrine loudly controverted, yet maintained amidst slight or nominal shades of distinction, almost by every denomination of Christians. According to the papists, the elements are *transubstantiated* in a manner imperceptible to sense; the bread into the body, the wine into the blood of the son of God. According to the Lutherans these are consubstantial, incorporated mystically, the person of Christ with the substance of the eucharist. But the Calvinists are persuaded that the corporeal parts of the nature of Christ are spiritually conjoined with their sacramental symbols, received by the faithful and swallowed spiritually through the intervention of faith⁸⁹. The adoration offered by papists to the corporeal, is withheld by reformers from the spiritual presence of Christ in the eucharist. In the English church, where the doctrines of Calvin are blended and decorated with the ceremonies of Rome, the gesture of kneeling is retained, however, in the administration of the sacrament, as a mark of veneration rather than of worship; directed neither to the consecrated elements, nor to the spiritual combination of material substances. But the Scottish reformers were apprehensive, that the adoration addressed at first to an invisible being, would soon be transferred to the intermediate object presented to the votary, and again degenerate into an idolatrous worship. Every genuflexion was therefore prohibited, and their communion

⁸⁹ Mosheim's Eccl. Hist. iv. 79. Thirty-nine articles, 27. Confession of Faith, ch. xxix.

B O O K ^I was regulated by a scrupulous imitation of the paschal supper. The apostles reclined or sat with their master at table. The presbyterians, instead of kneeling like penitents to adore the elements, seated themselves as guests, to enjoy the hospitality of the genial board^o. The altars which they had demolished were replaced by tables, where the consecrated viands were broken and distributed by the communicants themselves, according to the primitive institution of their divine repast. Such minute observance of the apostolical supper was dictated by their aversion to the Romish worship, and their desire to recede from whatever was superstitious; nor was the posture recommended by James, at the administration of the sacrament, less obnoxious as a departure from established forms, than as an approach to the idolatrous sacrifice and adoration of the host.

Private administration of the sacraments.

II. III. As Christ is received in the eucharist, the Holy Ghost is imparted in baptism, but the manner of his incorporation with the baptismal water; has excited no schism, nor scarcely a speculation in the Christian church. The importance of those sacraments is more controverted. In the Romish communion, baptism is conferred on weak children, and the eucharist administered to the sick, in private; both as sacraments essential to salvation, but the former as necessary to cleanse from the original corruption of the human race, the latter to efface every sub-

^o Christ, says Knox, sat at supper with his disciples, therefore sit we. First Book of Discipline.

sequent

sequent stain which the flesh has contracted. They were received in a different acceptation by the reformers. The waters of regeneration were considered as an adoption by Christ into the bosom of his church, the carnal repast of the papists as a covenant and spiritual communion with his person; each efficacious in the remission of sins, important, yet not essential to salvation. The celebration of those rites was accordingly confined to the church, when the congregation was assembled. The requisition made by James for their administration in private, was meant perhaps, as a solace to the afflicted parent, or expiring christian, but to the orthodox it seemed a renewal of those popish doctrines, against which their humanity or their reason revolted, that unbaptized infants are excluded from bliss, and that the host on death-bed is essential to salvation⁹¹.

Confirmation.

IV. In the primitive ages, baptism seems to have been accompanied with imposition of hands. This early form of benediction was afterwards detached, and appropriated to bishops as a confirmation of the baptism which the inferior clergy administered, under their auspices, with a delegated power. Its importance was magnified till it was placed in the rank of sacraments, and retained by the English reformers as a renewal of their baptismal engagement; a source of strength, and of the seven gifts of the holy ghost. Confirmation, however, was inconsistent with the spirit of the church of

⁹¹ Examination of the articles of Perth.

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Scotland. It argued, in the administration of baptism, a subordinate and imperfect power, derived by presbyters from the episcopal order. Its introduction was disguised by James as a benediction of youth, to be pronounced on an examination of their religious progress: but the clergy easily perceived that the benediction would be bestowed by an imposition of the prelate's hands, and converted into a solemn confirmation of baptism⁹².

Fasts and
festivals.

V. The festivals and fasts of the Romish ritual, had been abrogated altogether at the reformation in Scotland. In England the most superstitious were alone retrenched. Of the holidays dedicated to genuine saints, or instituted to commemorate remarkable passages of evangelical story, a long roll, burdensome in its observance, was still preserved. Five of the most important were selected for Scotland; Christmas, Good-Friday, Easter, Ascension, and Pentecost: but their importance had no tendency to conciliate the presbyterians. They objected, with some truth, that the nativity of Christ was of an uncertain date; that the institution of Christmas was an imitation of the idolatrous Saturnalia of the Romans; Easter and Pentecost, the revival of the ceremonial law of the Jews; that the anniversary of the birth, crucifixion, or resurrection of Christ, was no more consecrated by his actions than the form of the manger in which he was born, of the cross on

⁹² Examination of the articles of Perth.

which

which he suffered, or of the sepulchre in which he was quietly inurned⁹³. They appealed to the early and more orthodox declarations of their sovereign, that the Genevan church had no warrant for the celebration of Christmas or Easter; and against every ceremony they pleaded his former unqualified censures of the English service, that it was little better than a translation of the mass⁹⁴. His apostacy from the Scottish church was notorious; and the approximation of those ceremonies towards the Romish ritual, reflected perhaps an unjust discredit on the sincerity of his attachment to the protestant faith.

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1617.

Previous to his departure, the ceremonies were partially enforced within the precincts of his court. The privy council, the prelates and nobility, who resorted thither, whose devotion was flexible, or whose zeal in the cause of reformation was sincere, were enjoined to attend at Whitsuntide, and communicate kneeling in the royal chapel; a passport to favour which was afterwards converted into the tenure by which their offices were held. On his departure an assembly was held at St. Andrew's,

Assembly
of St. An-
drew's.

Novem.

⁹³ Examination of the articles of Perth. The nativity, according to the computation of some, happened in September; of others, in May. It was observed for the three first ages in the eastern church on the 6th of January, but was transferred in the western church to the 25th of December, to coincide with the civil term of the winter solstice; an universal festival among the northern idolaters. Beausob. Hist. Manich. 11. 699. Bingham, Antiq. Chr. lib. 20. ch. 4.

⁹⁴ Calderwood, 286.

but

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I.

1617~

but the clergy still evaded what they durst not openly resist; acquiesced, with many restrictions, in the private administration of the communion on death-bed; ordained the elements to be distributed by the minister to each communicant, and deferred the remainder of the articles to the decision of a future, more enlightened assembly. Instead of proving satisfactory, their concessions were resented by James as a mockery of his demands. Proclamations were issued for the observance of festivals, and the servants of the crown were again enjoined to communicate kneeling at Easter and Pentecost. But the approbation of a general assembly was still solicited, and after much preparation obtained by the prelates⁹⁵.

Assembly of
Perth.

This assembly, memorable as the last in the reign of James, was convened at Perth. It was composed of prelates and of lay-elders appointed by the king, moderators of presbyteries whose seats were permanent, and clergymen selected by the bishops in their diocesan synods. The office of moderator was assumed by the archbishop of St. Andrew's, as privileged to preside within his own province. Their deliberations were confined to a private committee, partially chosen. A perplexing question was proposed in public, on which each member was required to vote, "Will you assent to those articles, or disoblige the king?" Upwards of forty members dissented, abashed and silenced,

⁹⁵ Calderwood, MS. vi. 342. 408. 17. Spottis. 536.

yet not entirely dismayed at the king's displeasure ; but the five articles were indiscriminately adopted⁹⁶.

B O O K

I.

1618.

Articles of
Perth en-
forced.

The authority of public assemblies operated as a feeble restraint on the sense of a nation. The articles of Perth were examined with freedom : the assembly itself was arraigned as informal. The orthodox rejected its conclusions with abhorrence, and moderate men, the most remote from enthusiasm, disapproved of a servile, and to the national dignity, a degrading imitation of the English ritual. In fact, the ceremonies had no better recommendation than the injunctions of the king. They were imposed by the prelates as things in themselves indifferent, in which obedience is due to the supreme power ; without recollecting, that whatever is indifferent in religion should belong to the votary's discretion or choice. But the ceremonies had acquired such importance in the king's estimation, that their introduction became the exclusive object of his reign. His lenity to papists discovers a disposition not naturally intollerant, but the presbyterians had offended beyond forgiveness. Resentment, mistaken in a superstitious mind for the result of piety, had excited a secret hope, a vindictive desire, to obliterate every trace of their national worship. Conformity was accordingly urged with vehemence, and encountered with an aversion proportionally obstinate. The people were admonished by proclama-

⁹⁶ Perth assembly Examined by Calderwood—Vindicated by Lindsay. Lord Hailes Memorials, i. 89.

tion,

B O O K

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1618.

tion, to observe the festivals; the clergy were exhorted to practise the new rites prescribed for the church. But in Edinburgh, the citizens persisted at Christmas in their daily occupations, and the churches devoted to the prelates, were deserted at Easter, unless by the judges and lawyers, a servile train, compelled to receive the communion with a reluctant knee. In country churches, the people arose from the table and departed when required to kneel, but wherever the orthodox form of sitting was preserved, they resorted in crowds to enjoy the fellowship and familiar communion of Christ⁹⁷. A nation whose prayers to the Deity are uttered on foot, in an erect posture, was not disposed to obey the requisition of the sovereign, and to bend the knee to the sacramental symbols.

1619.
Queen's
death.

March 3.

In consequence of the accession, the royal family was so much estranged from Scotland, that our attention is first arrested by the queen's death. Her character is justly described as amorous, bold, intriguing, immersed in politics, and impressed with little reverence for her husband's spirit or talents for government⁹⁸. Henry prince of Wales, an accomplished youth, endeared to the English by his martial spirit, had expired prematurely at the age of eighteen; but the grief occasioned by his death was effaced by the splendid, and popular nuptials of the princess Elizabeth with the elector palatine. The elector elated by his alliance with England,

⁹⁷ Calderw. MS. vol. vi. 447. 521. 3. 5. 7. 9. Row's Hist. of the Kirk, MS. 251.

⁹⁸ Portraits of Illustrious Persons of Scotland.

accepted the crown of Bohemia from the revolted inhabitants ; but the fatal battle of Prague despoiled him both of his new kingdom and his hereditary dominions. Negotiations and arguments were the chief succours prepared by James, to reinstate the distressed family of an only daughter. But his negotiations were so ineffectual that his embassies became the derision of Europe ; so expensive, that it was necessary to raise contributions as if engaged in actual preparations for war. Voluntary contributions were solicited from a convention of the nobility, from the city of Edinburgh, and the college of justice ; but benevolences were unknown in Scotland, and the precedent for their introduction was respectfully evaded. A parliament was generally recommended : disgusted, however, at the turbulence of the preceding, James was averse to a new parliament, till the contributions which he demanded were again refused ¹⁶²⁰.

B. O. O. K.
I.
1620.

1621.
Jan.

The parliament was held at Edinburgh, by the marquis of Hamilton. Hitherto in the election of lords of articles, the temporal had nominated eight of the spiritual, the spiritual eight of the temporal peers, and the commons equal proportions of their own order for the shires and boroughs. An important innovation was now introduced. Eight noblemen were chosen by the prelates ; eight prelates were again appointed by these nobles ; the sixteen selected an equal number of burgeses and lesser barons from the third estate ; and the nomi-

A parlia-
ment.
Aug. 4.

¹⁰⁰ Spottisw. 541. Lord Hailes' Memorials, &c. i. 108.

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I,

1641.

Articles of
Perth con-
firmed.Persecution
begun.

nation of the whole devolving thus on the bishops, was virtually transferred to the king himself. A supply of four hundred thousand pounds Scotch was granted; but such was the poverty of the country, that a sum equivalent to little more than thirty three thousand pounds sterling, required three years to be levied by a general land-tax. The twentieth penny, or a tax of five *per cent*, was imposed on interest, an extraordinary and injudicious mode of taxation, detrimental to credit ¹⁰¹.

A confirmation of the five articles of Perth was an object not to be neglected by James. The clergy from the adjacent presbyteries strove to deprecate, or avert the blow; but their supplications to parliament were intercepted, and the authors imprisoned; their private applications to the estates were detected, and their order was arbitrarily expelled from Edinburgh. Their applications were not altogether ineffectual; the articles of Perth were resisted by a numerous party, and confirmed only on the commissioner's assurance, that no farther innovations would be proposed by James ¹⁰².

The high commission had been charged with the hopeless task of intercepting labour on holidays,

¹⁰¹ Spottisw. i. 127. Calderwood, MS. vol. vi. 541. The tax on interest or annual rents excited much opposition. The amount of the land-tax was not specified, as it sounded meanly compared with the recent subsidies of the English parliament; But the lands estimated by an old valuation at 17. were assessed 30s., church, and other lands in proportion, and the whole was understood to amount to 400,000 *l.* Scots.

¹⁰² Spottisw. Calderw. MS. vol. vi. 531. 42. 54. The articles were carried by a majority only of twenty-seven.

and

and extorting genuflexions from a people by whom genuflexion was abhorred as idolatrous. Treatises against the articles, or assembly of Perth were prohibited, but Calderwood, who had evaded hitherto the sentence of exile, escaped to Holland, where his publications were securely multiplied and diffused through Scotland. Severe penalties were denounced against those who abstained from public worship on holidays, or rejected the communion when required to kneel¹⁰³. The clergy were harassed and oppressed by persecution; suspended from the ministry, deprived of their benefices, imprisoned or confined to remote districts; and, during the short remainder of an unimportant reign, desolation spread through the whole church. But the rigour of the high commission was endured with fortitude. Regarding its authority as usurpation, and their own character as indelible and sacred, the clergy persisted in their functions when displaced or degraded; preached and instructed publicly, or in private assemblies; nor abated of their accustomed invectives against prelacy, secure that banishment would not be inflicted, as the ministers already expelled from Scotland, had found a safe asylum in the reformed churches of the continent, from which their exhortations were received with increased veneration. Persecution was at length extended beyond the clergy: and the conformity of Edinburgh was anxiously solicited, from a well-

1622.

¹⁰³ Calderwood, MS. vol. vi. 447. 80. 515. 32.

BOOK

I.

1623.

1624.

founded persuasion, that the example of the metropolis would predominate through the kingdom. The city was threatened with the removal of the government, and courts of justice; the magistrates averse to conformity were displaced; and the most contumacious among the citizens were selected and destined for a severe punishment, oppressive fines and a remote imprisonment, prevented only by the death of James ¹⁰⁴. Persecution, however, was an ungracious task, which the council declined, and it was necessary to admonish even the prelates themselves, “not to suffer the sword to rust, “that the popish religion was a disease of the “mind, but the puritan a more dangerous disease of the brain.” An impolitic severity was recompensed with the bitter, and customary fruits of intolerance, more obdurate aversion, a steadfast attachment to the good old faith, a distaste and secret disaffection to government: and its success may be estimated by the reluctant confession extorted from James, that the churches were already deserted, and private conventicles already established ¹⁰⁵.

Death.

In the preceding narrative, I have endeavoured to comprise a series of ecclesiastical transactions, diffused through the last years of the reign of James. His death was occasioned by a tertian ague: but in a credulous age, and among a discontented people, the application of some empy-

¹⁰⁴ Calderwood, MS. vi. 483. 6. 14. 605. 8.

¹⁰⁵ Id. 554. 610. 12. 15.

BOOK

I.

1624.

And character of James.

rical remedies excited vague and unfounded suspicions of poison. He expired at the age of sixty-nine, in the fifty-seventh year of his reign in Scotland, and the twenty-second after his accession to the throne of England. His fortune was superior to that of his progenitors, and his felicity greater than that of his descendants. His person inherited no share of the beauty of his parents, nor his mind a portion of the exalted spirit which distinguished his ancestors. He was permanent in his friendship, but capriciously attracted by address or elegance to the most worthless objects; naturally lenient, yet vindictive, intolerant, and, from an extreme facility, betrayed by his minions into a frequent compliance with their most criminal pursuits; unreserved and familiar, yet capable of profound dissimulation and cunning; from a predominant vanity, accessible and prone to the grossest adulation; pedantic without the merit of useful literature; prodigal without the praise of true generosity. His reign was beneficial to England because it was tranquil; but unprofitable to Scotland, as it was spent in a contemptible struggle with the clergy, and in a vain attempt to surmount the religious persuasions of his subjects. Historians partial to his family, have sought a vindication of his misconduct in the dangerous independence of a fullen enthusiasm, that required an intermixture of more refined superstition; and an apology for his miscarriage, in the uncertain operations of the religious spirit, when infused into faction, susceptible of no calculation or control.

B O O K ^{I.}
1624 trol. That the ecclesiastical should be subordinate to the civil establishment is essential to the preservation of every social institution; and had his views extended only to the reduction of that dangerous independence which the church had assumed, the vindication would be just. But in every innovation it should at least be considered, that there is danger in counteracting the tide of popular opinion; and the monarch who aspires to regulate the national faith, forgets on what slight foundation his authority depends.

THE HISTORY OF SCOTLAND.

BOOK II.

Accession of Charles.—Revocation of Tithes.—Scots in Gustavus' service.—Coronation.—Parliament. Balmerino's Trial.—Canons and Liturgy introduced.—Tumults, Supplications, Accusation of the Prelates.—Tables and Covenant instituted.—Assembly at Glasgow.—Preparations for War.—Pacification, Assembly, Parliament.—War renewed.—Expedition into England.—Treaty at Rippon.

THE accession of Charles, the only surviving son of the deceased monarch, was succeeded in Scotland by twelve years of profound tranquillity. The period is diversified with few transactions, nor distinguished by any strong indications of the convulsions with which the country was after-

BOOK
II.

1625.
Accession
of Charles.

BOOK

II.

1625.

afterwards agitated. Among a people inured to laws and predisposed to submission, almost every commotion may be deduced from the improper interference and innovations of government, or from an injudicious opposition to those changes which are silently effected on the public mind, or in the progress of society imperiously required. Had the people been neglected or forgotten by the court, their tranquillity might have been prolonged to a distant period; but if their affections had been timely secured by concessions, a barrier might have been formed against the free spirit that began to predominate through the English nation.

Objects of
the new
reign.

But the mind of Charles was confirmed by education, in every speculative tenet which his father had adopted. The divine, indefeasible right of kings, was suggested to James by the resistance and misfortunes which his mother had experienced¹; and maintained preposterously, when his own premature elevation to the throne could be justified only by the popular voice. To Charles it appeared to possess the evidence of an intuitive axiom, and the converse doctrine of implicit submission, the authority and the sanction of a moral obligation². The hierarchy was recommended to James by resentment and policy, as an institution hostile to presbytery, congenial to monarchy, and to a superstitious mind insusceptible of fervor, as a ceremonious ritual that relieved the languor of

¹ Basilicon Doron.

² Burnet's Memoirs of the Hamiltons.

vacant devotion. From the early impressions of youth, the hierarchy was revered by Charles, as a divine institution, allied to monarchy by their common origin. In his paternal instructions to his eldest son, James had dissuaded a marriage with one of the Romish faith³; but forgetful afterwards of his own injunctions, had industriously solicited an alliance with Spain. No sooner had it miscarried than Charles was contracted to Henrietta Maria of France, a princess distinguished by vivacity and beauty, whom he now espoused, whose religion was a partial cause of her husband's misfortunes, and the source of misery to their remotest posterity. The introduction of a liturgy, and a general revocation of the tithes and benefices usurped by the laity, had been projected by James, but deferred from the unexpected opposition to the articles of Perth. But his schemes had been carefully infused into Charles; and in the execution of those dangerous, and useless projects, the tranquillity of Scotland was imprudently sacrificed. A national liturgy was retarded for a time by his continental wars, or the disputes in which he was involved with his English parliaments; but the revocation of impropriated tithes and benefices was executed among the first acts of his reign.

The revocation was strictly legal, and not entirely unexampled in the history of Scotland. A few favourites of one reign might be stripped of

Revocation
of tithes.

³ Basilicon Doron.

their

BOOK
II.
1625.

Oct. 27.

Nov.

their inordinate acquisitions in another ; and to prevent a prodigal waste among favourites, the royal domains, on which the monarch subsisted formerly with sufficient splendour, were *annexed* to the crown, as a patrimony never to be alienated, unless the annexation were previously *dissolved* by parliament. A subsequent ratification in parliament was insufficient to prevent a revocation of the grant, and without the intervention or aid of a statute, the patrimony of the crown might be summarily resumed. The present revocation was intended to aggrandize the dignified clergy ; and was confined to the tithes and benefices reverting after the reformation to the sovereign, which had been exhausted in gifts to the importunate nobles. But the spoils of the church had been too generally diffused to be relinquished without reluctance, and too long enjoyed to be resumed without injustice. Almost all the nobility and many of the gentry had been enriched by the plunder, and a convention of estates rejected every proposition for the surrender of tithes. Their refusal so much incensed the king, that the act of revocation was precipitately published. It extended beyond the reformation, to the distance of eighty-three years⁴, and comprehended every grant of the two preceding reigns. A premature attempt could only serve to alarm and exasperate the nobles ; nor were the privy council, or the ministers disposed to co-operate in a measure

⁴ Parl. 1633, ch. ix.

hostile

hostile to their own interest, and concerted in all probability without their advice⁵.

The convention threatened to produce the most tragical event. The earl of Nithisdale was employed as commissioner, to extort an unconditional surrender of tithes; but the proprietors had prepared to disappoint his mission, and if no arguments could persuade him to desist, determined, according to the practice of their ancestors, to massacre his adherents and himself in the midst of the convention. Belhaven, a blind and aged lord, was placed at his own request next the earl of Dumfries, whom he grasped with one hand as if to support his weakness, and in the other secreted a dagger, to plunge into his heart on the first commotion. Nithisdale, intimidated at their hostile appearance, or apprised of his danger, suppressed the most violent part of his instructions, and returned to court⁶.

An ecclesiastical convention proved less refractory. At the reformation no provision had been made for the clergy, till a third of the benefices retained by the popish incumbents was appropriated

BOOK
II.

1625.
Opposed by
a conven-
tion.

1626.

Supported
by the cler-
gy.

⁵ The officers of state were partly altered; the privy council and courts of justice were modelled anew to introduce the prelates into each department. A new court was also erected in imitation of the star-chamber, under the name of a commission to try grievances. But in consequence of the opposition of the nobility, this commission of grievances was suffered to expire. Row's Hist. MS. p. 265. Lord Hailes' Catalogue of Lords of Session. Balfour's Annals, MS. Additions, 1626.

⁶ Burnet, Hist. vol. i. 24. edit. 1753. Row 265. Sander-
son's Hist. Introd.

to

to their support. When the monastic benefices were impropriated or erected into temporal lordships, the thirds were frequently discharged or commuted, and the provision, which was always scanty, became altogether inadequate on the revival of prelacy, when the thirds of benefices were assigned to the bishops, and the maintenance of the clergy within each diocese was entrusted to their care. On the expedition of James to Scotland, a committee of parliament was first appointed, to allot a stipendiary provision to each minister from the tithes of his parish; moderate, yet not inadequate to the times;⁷ but from the interested policy of the commissioners, the poverty of the clergy was neither relieved nor their dependence alleviated. They had long eyed, and were still urgent to recover the patrimony of the church. In a convention summoned or selected by the prelates, it was not difficult to procure an application to the king for a legal and established provision to the clergy. Such were their sanguine expectations, that they anticipated the recovery of tithes through the king's assistance; and had already begun to inveigh from the pulpit at the unjust detention of their sacred inheritance. They were charged with a more invidious task, to estimate and prepare a correct statement of the tithes impropriated in their respective parishes; and we may presume that they had no temptation to undervalue the objects of

⁷ Not exceeding a thousand, nor less than five hundred Scottish marks. Parl. 1617.

their devout regard¹. : As it was the interest of the nobles to under-rate the tithes, it would appear that the competition of those privileged orders had roused a different description of men, whose interest and title had not yet been consulted.

BOOK
II.
1627.

Had the interest of the community been understood at the reformation, when, instead of a beneficed priesthood, a clergy strictly stipendiary was substituted, the tithe of industry should have been abolished as a superstitious, and oppressive tribute. Had the claims of substantial justice been consulted, each proprietor should have recovered the tithes of his own estate. But as tithes were a peculiar estate in law, distinct from the lands out of which they were produced and exacted, they were usurped by the crown, on the maxim that whatever is unoccupied reverts to the sovereign; and every consideration of expediency and justice, was superseded by the combination of a legal fiction with a feudal usage. When distributed among the nobility, they were levied with unaccustomed rigour, often with circumstances of wanton oppression. The grievance was alleviated, not entirely remedied, by the interposition of parliament. But the landholders still felt the rapacity, or remembered the oppressive insolence of the *titulars*, and were disposed to co-operate in every measure for the recovery or the transference of their tithes to the crown. As far as can be collected from the vague Declaration of Charles, who had already intimated a desire for their relief,

And land-
holders.

¹ Row, p. 226. Crawford's Hist. MS. vol. i. sec. 9. p. 2.

they

BOOK

II.

1627.

they concurred with the clergy in a general application for a resumption, and more equitable distribution of tithes⁹. The views of those bodies were inconsistent, and their interests would have ultimately proved irreconcilable. But the general revocation was a preliminary measure in which their interests coincided, and their united influence, in opposition to the nobles, contributed a large accession of strength to the crown.

King's arbitration.

The ascendancy thus acquired was dexterously improved. A commission was issued to receive, under certain implied conditions, the surrender of impropriated benefices and tithes. At the same time, prosecutions were successively commenced against those who refused to accept the offers, and submit to the award of their sovereign as umpire. The nobles, separately prosecuted, had no means of defence. The weakest, or the least refractory were first selected; and the rest, unprepared to resist, and instructed in the consequences of a legal judgment, acceded reluctantly to the arbitration of the king¹⁰. But it was difficult to reconcile the interest of the landholders, and the expectations of the clergy, with the conditions implied in the surrender of tithes and benefices; or to satisfy those claims, and secure a valuable reversion to the crown. Church-lands the property of the lords of erection, were still retained, and the feudal superiority alone resigned; the tenures of the vassals

1628.
Feb.

⁹ King's Large Declaration concerning the late tumults in Scotland: written by Dr. Balcanqual. *Treatise of Tithes*, MS. Adv. Libr.

¹⁰ Large Declaration, p. 7. Heylin's *Life of Laud*, 238. who

who had formerly held from the church, were thus transferred to the sovereign, but their rents or feu-duties continued due to the lords of erection till redeemed by the crown. With respect to tithes, the landholders acquired a right to sue for a valuation or *modus*, and unless when appropriated to church men, to purchase the tithes of their own estates. A revenue of six *per cent.* out of all tithes, and a right to the redemption of feu-duties, at ten years purchase, were the only advantages reserved to the crown. On these conditions the commission proceeded to receive surrenders, to adjudge the valuation and sale of tithes, or to augment the provisions allotted to the clergy¹¹.

BOOK
II.
1622.

The arbitration pronounced by Charles, in a question so unwisely agitated, was certainly not productive of general satisfaction. Among a large class of the nobility, it excited permanent discontent. In a country where litigation was always tedious, at a period when justice was peculiarly venal, the landholders were seldom able to cope with the impropiators; and from the general scarcity of money, nine years valuation, a consideration almost equivalent then to the price of lands, could seldom be afforded for the purchase of tithes¹². The benefits of the arbitration were defeated by the

Its effects
on the na-
tion.

1629.

¹¹ Treatise of Tithes, MS. Acts Parl. 1633.

¹² Ten *per cent.* was then the legal rate of interest, a proof that the common price of lands was ten or twelve years purchase. Charles asserts, that according to the rate of purchasing in Scotland, the tithes were paid to the uttermost farthing. Large Declaration, p. 9.

poverty

poverty of the crown, unable to redeem the feuduties of church-lands; or diffused so slowly, that a proportion of the tithes remains yet unpurchased. The dependence of the vassals was neither relieved, nor the situation of landholders much amended; but if the redemption of feu-duties had been conferred on the vassals, instead of being assumed by the crown, their industry would have been stimulated and their servitude soon effaced. If the tithes had been gratuitously restored to the landholders, their attachment would have been secured by a benefit exceeding their most sanguine expectations; and the nobles, counterbalanced by a numerous, and powerful body, must have acquiesced in the sudden loss of a recent, invidious revenue out of their neighbours' estates. Such bold and useful schemes of policy were neither suitable to Charles, nor perhaps to the times. The resentment of the nobility was perpetuated by an injury rather suspended over them, than actually inflicted. Irritated at the loss of the superiority, and jurisdiction of church-lands, they foresaw that their power would be reduced still farther whenever their tithes were purchased by the landholders, or their feudal emoluments redeemed by the crown. Their disquiet was prolonged by a precedent for a more indiscriminate revocation; and every purchase of tithes ministered fresh offence. Their discontent expanded on every national grievance. In the motives from which the revocation originated, in the object to which it was still directed, they discovered a source of popular disaffection and clamour. The design of
augmenting

augmenting the episcopal benefices, though hitherto frustrated, might be effected by transferring to the dignified clergy the superiority of church-lands when the feu-duties were redeemed¹¹: and at a future period Charles discovered that the nobility so submissive during his father's reign, were leagued with the presbyterians in opposition to the crown.

During these domestic transactions, the enterprising, or vagrant disposition of the natives, obtained a new direction among foreigners, and a field for the acquisition of military renown. A regiment which Mackay, Lord Reay, had levied in the north for the king of Denmark, had received an honourable discharge at the conclusion of the war, after two unsuccessful campaigns against the imperialists. Instead of being disbanded, the regiment enlisted under the banners of Gustavus Adolphus of Sweden, whose bounty had already attracted several Scottish officers, and the resort of their countrymen completed other regiments, incorporated afterwards into a national brigade¹². When the Swedish monarch invaded Germany, Charles,

Scots in
Gustavus'
service.

1639.

¹¹ Burnet, vol. i. 23. For that purpose the Abbey of Aberbrothick was purchased from the Hamilton, the lordship of Glasgow from the Lennox family.

¹² Moore's expedition under Gustavus. This brigade consisted of four regiments, upwards of 2000 men. The British in Gustavus' service before Hamilton's reinforcements were raised, are computed by Harte at 10,000 men, of which, to judge from the officers, the majority were Scots. Moore enumerates of Scots thirty-five colonels and fifty lieutenant-colonels; of the English, only three colonels in Gustavus' service.

B. 6 v. 2
 1630. ^{11.} desirous to procure the restitution of the palatinate, engaged to support him with six thousand men; but in order to preserve an apparent neutrality, the marquis of Hamilton, a young man, was directed to conclude the treaty as an independent prince, and to furnish the troops in his own name. The expedition was retarded by a charge of treason which Lord Ochiltree, an hereditary enemy,¹⁵ preferred against him; that Ramsay whom he had employed to negotiate with Gustavus, had imparted a design to Lord Reay, when the army returned to establish the marquis of Hamilton on the throne of Scotland.¹⁶ As the evidence had no tendency to criminate Hamilton, his accuser was condemned to perpetual imprisonment; and a judicial combat, proffered to Reay and Ramsay, was not prohibited till the lists were prepared, and the combatants ready to engage in arms.¹⁶ After a short delay the expedition was resumed, and the troops transported to the banks of the Oder. Their numbers were magnified to twenty thousand; an opportune report, that occasioned a large detachment from the imperial army, and contributed to the victory obtained by

¹⁵ Burnet's Mem. p. 5. Lord Ochiltree's father, Captain James Stuart, had usurped the titles and estates of the Hamilton family, in the minority of James.

¹⁶ Lord Ochiltree, as he failed to substantiate the charge, was convicted of *leaving-making*, and imprisoned for twenty years, till released by Cromwell.

the Swedes at Leipzig. The original brigade of Scots contributed more effectually to that decisive victory¹⁷, by which the whole German empire from the Baltic to the Rhine, from the mouth of the Oder to the source of the Danube, was opened to the career of the victorious Swede. Hamilton's forces co-operated afterwards with those of Gustavus, and among other achievements, recovered Magdeburgh, formerly sacked by Tilly when thirty thousand of its inhabitants were massacred; but in a country wasted by the sword and afflicted with pestilence, his troops were gradually reduced by diseases, and incorporated at length into the Swedish army. The restoration of the elector palatine was now solicited; but declined by Gustavus, except on conditions which would have reduced the elector to a vassal, and the palatinate to an hereditary province of Sweden. His refusal has been variously ascribed to the ambitious design of subjecting the Germans, for the preservation of whose religion and liberties he at first interposed, or to the honourable motive of obtaining from Charles more adequate succours and avowed support¹⁸. But the marquis of Hamilton was impatient of control, or unequal to the exact discharge of a subordinate station; and the Swedish king was unwilling to entrust a young

¹⁷ Platoon firing was first employed in this battle by the Scottish regiments, to the amazement of the Imperialists. Harte's Hist. of Gustavus L. 407.

¹⁸ Burnet's Mem. Harte.

B O O K nobleman, no way distinguished in arms, with a
 11. supreme command. Hamilton was therefore re-
 1632. called in disgust, a few weeks before the battle
 of Lutzen, in which Gustavus perished, and his
 troops obtained an immortal victory. The Scots
 adhered to his standard, and participated after his
 death in the fortune of his generals. Their
 regiments were occasionally recruited with fresh
 adventurers; and their country, after its rupture
 with Charles, was supplied with veteran officers,
 not less versed in the military art, than attached
 by a long warfare to religious liberty and the
 protestant faith.

1633.
 King's
 journey to
 Scotland.

June 8.

Coronation.

Such was the situation of the Scots, dis-
 contented at home, enterprising abroad, when
 Charles who was not as yet inaugurated, pre-
 pared to revisit his native kingdom. His progress
 through England was magnificent: his reception in
 Scotland was affectionate and sincere. The nobi-
 lity vied with the English in the most profuse hos-
 pitality, and in the ruinous consequence of their
 present waste, historians have discovered a
 partial cause of their future disquiet¹⁹. The
 coronation was performed by the archbishop
 of St. Andrews, but a splendid and religious
 ceremony was rendered less impressive by the in-
 troduction of an altar, and of unaccustomed rites,
 which the people viewed with abhorrence, and
 were unable to discriminate from the Romish mass.
 These innovations were ascribed to Laud, a priest

¹⁹ Clarendon, i. 55.

without private vices or public virtues, whose ascendancy over Charles began to be perceptible, and his interference in ecclesiastical transactions offensive to the nation. It was observed at the coronation, that he displaced the archbishop of Glasgow with the most indecent violence from the king's side, because that moderate prelate scrupled to officiate in the embroidered habits prescribed for his order²⁰.

BOOK
II.
1633.

The coronation was succeeded by a parliament which sat, as usual, only on two days. The first was appropriated to the election of the lords of articles; the last was reserved for confirming the articles prepared by that committee, whose deliberations occupied the intermediate period. A new stratagem was employed to secure their election. The prelates named by the chancellor, selected the nobles, who concurred with them in the choice of burgeses and lesser barons from the remaining estate²¹. Their supplies were liberal, and unprecedented. A land-tax of four hundred thousand pounds Scotch, and the sixteenth penny of legal interest, were granted for six years: the rate of interest was reduced from ten to eight *per cent.* and the two *per cent.* abstracted from the creditor were conferred on government for three years. The power of

Parliament.

19—27.

²⁰ Crawford, sect. 9. p. 12. Row, 278. Rushw. ii. 182. Spalding's Hist. of Scottish Troubles, i. 23.

²¹ Id. Cowper's Apologetical Nar. MS.

BOOK
II.

1633.

prescribing robes for judges, and apparel for churchmen, had been conceded as a personal privilege to James. This important privilege was artfully combined with a renewal of the indefinite prerogative conferred on that monarch, and the confirmation of every statute respecting religion as then established. The importance, or the danger of those articles for which Charles was solicitous, is not at first perceptible; nor was the parliament averse to the most extensive prerogative; but the introduction of the cope, an embroidered, and of the white surplice, an idolatrous vestment, was justly apprehended from a power to regulate ecclesiastical habits. The prerogative with which it was artfully blended, was insufficient either to repress opposition, or to conceal, that from a confirmation of religion "as professed at present," every recent innovation would acquire an indirect sanction. Lord Melville an aged nobleman exclaimed aloud, "I have sworn with your father and the whole kingdom to the confession of faith, in which the innovations intended by these articles were solemnly abjured." Charles paused for a moment, disconcerted at this unexpected address; but when others proceeded to deliberate, he commanded them not to debate but to vote; refused to separate the prerogative of which they were willing to approve, from the regulation of clerical habits to which alone they objected; and producing a list of the members, declared imperiously, "Your names are here, I shall know
" who

"who will do me service to-day."²² A conduct not less mean than oppressive, reflects additional credit on a fact asserted by different historians, which Charles has rather evaded than disowned²³. - Though rejected by fifteen peers and forty-five commoners, the articles were falsely reported by the lord register as affirmed by parliament. But when the earl of Rothes asserted that the votes were erroneously collected or reported, the king interposed, and to prevent a scrutiny, required him at his peril to arraign the lord register of falsifying the record; a charge of treason which involved the unsuccessful accuser in a capital crime. Rothes, intimidated at the recent fate of Lord Ochiltree, desisted from the charge, and the articles rejected by a majority, were ratified by the sceptre, and the parliament dissolved²⁴.

BOOK
II.
1633.

That sincere affection with which the king had been welcomed, was now converted into mutual mistrust. The people were alarmed for the independence of parliament, which would be reduced to an idle pageant of state, if its voice were thus overawed by the king, or suppressed by his ministers. The nobility whose dissent he had publicly noted, were alarmed at a vindictive proscription from favour; and the king, whom the prelates

Public discontent.

²² Row. Rushw. Burnet's Hist. History of Church and State, MS.

²³ Large Declaration.

²⁴ Row. Burnet's Hist. i. 29. Rutherford's Letters, part iii. letter 40.

B O O K had already prepossessed against them, considered
 II. those peers as his personal enemies, the authors or
 1633. abettors of a schism in the church, and sedition
 in the state. They were received at court with
 reproaches or sullen displeasure, excluded from a
 lavish dispensation of honours, and exposed by
 studied discountenance to the public contempt.
 But the public sentiment was already so materially
 altered, that when the king expressed his surprise
 at the sudden reverse which he experienced in the
 popular favour, a prelate unconscious of the
 strange prediction, replied that the Scots were
 ready to-morrow, to crucify him whom yesterday
 they had saluted with hosannas²³.

Arminian-
 ism.

1634.

An episcopal see was erected at Edinburgh, after
 his departure, with a diocese extending over an-
 cient Lothian, from the Forth to Berwick²⁴. The
 dissensions of the church had been hitherto con-
 fined to its discipline and rites; but, as if these
 were insufficient, the nation was agitated with a
 new controversy, in which the established doctrines
 of its faith were involved. Whether we suppose
 that the fall of man was pre-ordained by the de-
 crees, or permitted though foreseen by the
 providence of the Deity, our reason endea-
 vours in vain to reconcile the origin of evil
 with the prescience, or its existence with the
 perfection, of an omnipotent being. According

²³ Crawford, MS. sect. 9. p. 24. Clarend. i. 80. Rushw.
 ii. 183.

²⁴ Row, 283. Heylin's Life of Laud, 240. Edinburgh
 had formerly been a part of the see of St. Andrew's.

to the doctrine of Calvin, propagated through most of the reformed churches, the chosen few, before the beginning of time, were predestinated for salvation, and the rest for hopeless and eternal perdition: but the recent doctrines of Arminius were of a milder nature; that a state of reprobation or of bliss was pre-ordained for those whose *voluntary* lapse, or adherence to grace, was foreseen, yet not predetermined by an absolute decree. The doctrine conducted his disciples to another, that eternal punishment is consonant neither to the frailty of the human, nor to the beneficent perfection of the divine nature. Their opinions at first were rejected by James, from the same intollerant principle on which religious sects are not less averse to the salvation of others, than solicitous for their own. When condemned, however, by the synod of Dort, their opinions were diffused by persecution, imbibed insensibly by the English monarch, and transplanted gradually from the court into the church. In Laud they obtained a zealous advocate; and on his promotion to the see of Canterbury, a powerful protector. His authority was supreme in the English, his influence was not less powerful in the Scottish church, where the young prelates to whom his favour was preferred, caught and were ambitious to disseminate his principles. Their sermons teemed with Arminian tenets: but as the synod of Dort was respected in Scotland, its authority reflected discredit on the whole system of Arminian theology. Ministers, patient under every alteration of external discipline,

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discipline, could no longer remain indifferent to a change of doctrines interwoven with their faith. Their pulpits resounded with a new controversy; and Arminianism, the supposed harbinger of the popish religion, swelled the outcry against innovation²⁷.

Balmerino's
trial.

Religious grievances are often ideal; but the trial of lord Balmerino was an act of oppressive iniquity, conducted under all the forms of unsubstantial justice. In consequence of his father's disgrace and death, he had lived in retirement, remote from court, and unknown to Charles till his arrival in Scotland. But his deportment in the late parliament was offensive; his name was marked in the list of the dissenting nobility, from whom the rays of royal favour were now withdrawn. A temperate and submissive petition had been prepared, to exculpate themselves from an opposition to prerogative, and to deprecate the operation of those articles with which it was conjoined; but when intimated to Charles, as a necessary precaution before it was subscribed or presented, his displeasure was signified in such severe terms that it was instantly suppressed. A copy retained by Balmerino, and imparted to a confidential notary, was surreptitiously transcribed and communicated to Hay of Naughton, his private enemy, who betrayed the secret to the archbishop of St. Andrews. Under the specious pretext of allegiance, the latter repaired to court, and revealed it to the king;

²⁷ Row, 284. Burnet's Mem, 286,

assured

assured him that the petition circulated through Scotland to receive subscriptions; protested that nothing but the opposition of the nobility had rendered the clergy averse to the surplice; and insinuated that their refractory spirit would soon subside, if their patrons were selected for a severe example. A commission was issued to examine the supposed offence. Balmerino was imprisoned on a warrant obtained by Spottiswood; but the real author, Haig an advocate, escaped to the continent²².

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It would be difficult to conjecture, what was criminal in a petition neither presented to Charles, nor divulged except to a confidential friend. There were laws in Scotland against the utterance of *leafings*, or false reports tending to excite sedition, or to sow dissensions between the king and the people; and according to the usual extension of state-offences, whosoever listened with an air of approbation, and neither revealed the report nor secured its author, was obnoxious to the same capital punishment, as if equally involved in the same crime. As the author and abettor of a seditious petition, Balmerino was accordingly arraigned for leafing-making; as the author, because the copy found in his custody was slightly interlined with his own hand; as the abettor, because he concealed the petition, and suffered the author to escape undiscovered. A petition couched in the most inoffensive terms, was con-

For leafing-
making.

²² Row, 289. Hist. Motuum.

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verted in the indictment into a dangerous libel, "that depraved the laws, and misconstrued the proceedings of the king in the late parliament, so seditious that its thoughts infected the very air, a cockatrice which a good subject should have crushed in the egg²⁹." Balmerino who forbore to crush this unhatched sedition, was oppressed by the intrigues of the prelates, and the criminal connivance of the judges and officers of state. The court of session appointed three assessors to the justice general; Learmonth one of their number, Hay lord register, and Spottiswood their president, the archbishop's son, whose influence had incited, and still continued to foment the prosecution. It was represented in vain that the interlineations, as they softened the terms of the petition, could never constitute that libel which they served to abate; that it was neither promulgated, nor disclosed except to a confidential lawyer for his private opinion; that there was no precedent for the trial of those who had neglected to reveal a seditious performance, or to secure its author, and a severe law never executed must have passed into oblivion; that it might be illegal perhaps to conceal the petition when adjudged seditious; but as its purport was apparently respectful, and intended to conciliate the king's affection, that no prudence could discover a different, and a latent construction undetermined by the court. The question was already prejudi-

Dec. 20.

²⁹ State Trials, vol. i.

cated :

cated: the assessors sustained and referred the indictment to a jury, which the earl of Traquair had undertaken to corrupt or intimidate.

As peremptory challenges are unknown in Scotland, the jurors are invariably selected by the judge, from the return made by the clerk of court. Nine of the jury, with a single exception, were ineffectually challenged: but when Traquair a minister of state was admitted, it was no longer doubtful that the rest were industriously selected as hostile to Balmerino, or devoted to the crown. The experiment did not entirely succeed. In the former century, Gordon of Buskie had been engaged in the murder of the earl of Murray, and was appointed therefore as a sure man. When the jury had withdrawn, he addressed them unexpectedly in the most pathetic terms; conjured them to reflect that the life of an innocent nobleman was at stake, whose blood would lie heavy on their souls while they lived; and while the tears streamed down his aged cheeks, protested that his hands had once been imbrued in blood, but notwithstanding the pardon of his sovereign, that his conscience had procured no remission from heaven. The jury was moved with this impressive address: but Traquair, their foreman, resumed the argument, that it belonged to the court to determine whether the law was severe, or the petition seditious; whether the prisoner had concealed it was all that remained for them to decide. After a long altercation, the jury were equally divided; and in consequence of the final suffrage of Traquair their foreman, Balme-

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Condemned
to death.
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ring

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rino was convicted of having heard and concealed a seditious petition. Sentence of death was immediately pronounced; but his execution was suspended till determined by the king³⁰.

The people, during the whole trial, were agitated to an extreme. Notwithstanding the efforts of their magistrates they assembled daily in tumultuous crowds; prayed aloud and in the streets for his preservation; applauded the exertions of his friends, and showered imprecations on the heads of his adversaries. Their rage proceeded to the most desperate designs. Many consultations were secretly held; and it was determined to burst open the prison for his release; or, if the attempt miscarried, to revenge his death on his judges and the eight jurors by whom he was convicted. Some had undertaken to burn their houses, others to perpetrate the massacre, when Traquair, apprised of his danger, repaired to court, and represented that the execution of the sentence was impolitic and unadvisable, however justly the prisoner had forfeited his life. After a long and severe imprisonment, a warrant was procured for his enlargement; but a pardon was dispensed with a slow and reluctant hand. The merit of the pardon was variously ascribed; to the intercession of Laud, or the humane and merciful disposition of the king, who, averse to bloodshed, rather than revenge, hesitated at the execution of an innocent nobleman against whom he was in-

³⁰ State Trials. Burnet's Hist. Balfour's Annals. Row, 1792.

censed, but had no scruple to acquire the unjust and absolute disposal of his life".

This iniquitous prosecution was ruinous in its consequences to his interest in Scotland. The people had long felt that the administration of justice was partial and corrupt; but the nobility now discovered that there was no protection for themselves, from the resentment of the prelates and the power of the crown. Whatever secret cause of offence existed; a speech or petition, an expression of discontent or grievance heard inadvertently, or concealed from motives of compassion or honour, might furnish a pretext for their own destruction. The lenity of their sovereign was no protection; and Balmerino, whose real crime was his conduct in parliament, justly considered the remission of his sentence as no redress. His danger made a deep impression on their minds. Under an infatuated or despotical monarch, whenever the laws were perverted for their ruin, there was no resource but a confederacy against the crown, to which their thoughts were directed by the frequent example of their ancestors; by the sense of their danger individually, and of their strength when united; and above all, by the inordinate and daily usurpations of the aspiring prelates.

The great seal had never been entrusted to an ecclesiastic since the reformation; but on the death of Kinnoul the chancellor, it was conferred on archbishop Spottiswood, ambitious in his old age

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Ruinous
confe-
quences of
the trial.

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Ambition
of the pre-
lates.

¹ State Trials, 291. Burnet's Hist. vol. i. 31.

BOOK II. 1636. to unite the first office of the state with that of the church. The lord treasurer's office, the next in dignity, was solicited by Maxwell bishop of Ross. Of fourteen prelates nine were already introduced into the privy council, where their numbers often preponderated, and their insolence often provoked disgust.³² Their pride was immoderate and their presumption excessive; as an intermediate order of dignified clergy, they proposed the revival of mitred abbots, to be substituted in parliament to the lords of creation, and endowed with their appropriated revenues and tithes. They procured a warrant from Charles to establish subordinate courts of commission; and with six assistants whom they chose to associate with themselves, to exercise in each diocese the inquisitorial powers of the high commission. Elated with their sudden exaltation, and presuming on the patient acquiescence of the nation, they vainly imagined that there was no undertaking beyond their strength; yet it is observable that they were neither unanimous, nor alike intoxicated with their present success. The old were ambitious; but intelligent, prudent, and from their past experience unwilling to disturb the tranquillity of the church; but the younger prelates composed a distinct party attached to Laud, zealous for innovation, imperious over the subordinate clergy, not less ambitious, but, with inferior abilities, more imprudent and precipitate than the older bishops. Such were the

³² Hist. Motuum, Clarend. vol. i. 87.

men, to whom the long projected compilation of a liturgy and canons was at length entrusted ³³.

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Religious
innova-
tions.

Some slight approaches had already been made towards a national liturgy. At an early period of the reformation, the lords of the congregation appointed the common prayer book to be duly read, and this circumstance has excited a furious controversy, whether the order of Geneva, or the liturgy of Edward VI. was then prescribed ³⁴. But the English service never would have been tolerated after the return of Knox, who had removed from Frankfort on its introduction into that city; and the Genevan order had already been adopted, before it was approved in his Book of Discipline ³⁵. Its form was observed in the sacraments, and in the alternate order of prayers and sermon; but its prayers were proposed as an example for imitation, not enjoined as a rule for worship ³⁶. An assembly held at Aberdeen by the prelates, had ordained the Genevan form to be revised, and an uniform liturgy and canons to be prepared for the church; but, in consequence of the opposition to the articles of Perth, the execution of this order was suspended during the reign of James ³⁷. It was resumed on

³³ Hist. Motuum. Clarend. i. 104. Burnet's Hist. i. 32. Mem. 30. Row, 294. Guthrie's Mem. 16.

³⁴ Peattie's Hist. 192. Spottisw. 117. Knox, 135. Fundamental Charter of Presbytery Examined p. 96. Answered, 15.

³⁵ First Book of Discipline, ch. ii.

³⁶ Calderw. 19. Service and Form of the English Church at Geneva, p. 19.

³⁷ Calderw. 663. Halket's Life of Archbishop Williams, p. 64.

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the late expedition to Scotland; but the prelates considering the English service as a badge of dependence, represented that a peculiar, and distinct liturgy was due to the dignity of a jealous nation. Their pride was inflexible on this subject alone. Charles, or rather Laud, was obliged to acquiesce, without obtaining an immediate, or the promise of an absolute conformity with England; but the latter was assured that no heresy, the former that no sedition, should henceforth transpire in prayer; and if there be a choice between superstition and enthusiasm, they were gratified with the preference of a precomposed liturgy to extemporary worship³⁸.

Canons.

The canons, a more compendious production, were first compiled. They were confirmed by the royal supremacy, which was itself inversely confirmed, and extended by the canons to whatever the kings of Israel, or the emperors of the primitive church had assumed. The consecration and power of the prelates were secured from challenge, by the penalty of excommunication, aggravated by confiscation and outlawry, its civil effects. The liturgy was absurdly sanctioned before it was yet prepared: the clergy were prohibited to deviate from its forms, or even to conceive an extemporary prayer; and the deportment of the people during the future service was minutely prescribed. Under the description of irregular conventicles, sessions and presbyteries were indirectly suppressed: their powers

³⁸ Clarend. i. 82. Guthrie's Mem. p. 18. Laud's Troubles and Trials, 103.

were

were transferred to the tribunal of the bishops; lay-elders were dismissed from the church, and the whole structure of presbyterian jurisdiction was at once demolished. A font was ordained to be placed in the entrance, and an altar in the chancel, of the church; the one, in the opinion of the presbyterians, for consecrated water, the other for the idolatrous oblation of the host. Their suspicions were confirmed by a number of minute, superstitious injunctions; that the remains of the elements, as if actually transubstantiated, should be consumed in church by the poorer communicants; that ordination, like a real sacrament, should be bestowed only at the four seasons, the equinoxial and solstitial; that the confessions of the penitent, a sure preface of auricular confession, should be concealed by the clergy; and that the Sunday should no longer be appropriated to the fasts of the puritanical sabbath²⁹.

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The liturgy was a transcript from the English, transposed or diversified with some slight alterations. Unfortunately, in receding from the English service, these minute alterations approached proportionably to the Romish missal. The communion-table, where the alms of the congregation were presented as an offertory, was decorated with a carpet and placed in the east. The presbyter, for the derivative appellation of priest was suppressed, passed successively in officiating at the eucharist, from the north side to the front of this altar, with

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Liturgy.

²⁹ Heylin's *Life of Laud*, 298. Clarendon, *Hist. Motuum*. i. 106. Row, 295.

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his back to the congregation⁴⁰. The consecration of the elements was a prayer expressive of the real presence, and their elevation from the altar of an actual oblation. Thanks were given for departed saints, of whom the calendar received a large addition appropriated to Scotland; and the cross was enjoined in baptism, the ring in marriage, but the baptismal water was changed and consecrated twice a month, and retained for future ministration in the font.

Universal
alarm at
their intro-
duction.

Such unmeaning alterations, adopted partly from the first liturgy of Edward VI. must be ascribed to a persuasion common to Laud and the Scottish prelates, that Rome, however defiled with corruptions, was the original, or mother-church, to which the protestants, by mutual concessions, might ultimately be reconciled. But the new service, in consequence of those alterations, became the more suspected. Its introduction had been long apprehended, and the aversion accumulated ever since the first innovations of James, was increased instead of being mitigated by its deviation from the English ritual. A report was soon spread, that the new liturgy was a translation of the mass, which the prelates had conspired with Laud to establish; and it was universally believed that the church was already undermined, and the national religion about to be subverted. The alarm was communicated to all ranks: from

⁴⁰ See the Season in the Declaration against Laud. Nalson, i. 684.

the clergy it extended to the people, the gentry, and, with a few exceptions, to the whole nobility. Nor was the liturgy less offensive from the manner in which it was imposed; by the regal power and episcopal authority, without the consent of a general assembly; which the prelates, while they presumed on the acquiescence of the nation, had no hopes to obtain. The advice of the privy council, and the approbation of the old and experienced prelates, were alike disregarded. Spotswood ventured for once to remonstrate, but was obliged to co-operate, and the privy council to concur in the design. A proclamation had been issued for a general conformity to the liturgy at Easter; but affairs were so ill concerted, that the publication of the service was retarded till the day had elapsed. A charge was then directed to the clergy, to purchase two copies for each parish; but the anxiety of the council still delayed to enforce the observance of the charge. Nothing farther was apprehended at present than a defection from the church; but the schism was enlarged, and the parties daily estranged by altercation. The presbyterians imputed idolatry to the most innocent, superstition to the most indifferent actions of life; and from their pulpits, in their daily conversation, and in papers silently dispersed through the nation, examined and arraigned the liturgy, as a compilation worse than the English service, nor less impure than the mass itself. Their adversaries demanded an immediate alteration in the established forms of national worship:

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in baptism, the communion, marriage, and burial, in prayers, psalms, ordination, and preaching, they urged an implicit conformity to the new service, and threatened the contumacious with the severe penalties of the ecclesiastical censures with which the canons were sanctioned; deprivation, outlawry, and the confiscation of their estates. Whosoever complied, would incur the reproach of idolatry; whosoever refused to conform, was reputed a seditious and dangerous sectary, not less hostile to the church, than disaffected to government. Such violent antipathies were mistaken for the symptoms of a religious schism, and afforded the only presage as yet of an approaching convulsion⁴¹.

New service attempted.

Spottiswood, the primate and chancellor, desirous to obtain the tithes of the abbey of St. Andrews, had proposed that the clergy of his diocese, to whom they were appropriated, should be provided with legal stipends from their respective parishes. But the tithes of these parishes were exhausted or sold, and by the influence of the duke of Lennox, from whom they were purchased, Traquair, the treasurer, irritated at the competition of the prelates for his office, procured a warrant to dissolve the commission of tithes. The chancellor, thus disappointed, and the archbishop of Glasgow, from whom a similar grant was intercepted, prepared for court; but to render their reception more gracious, and their complaints more acceptable, the in-

⁴¹ Baillie's Letters, i. 2.

introduction of the ~~heresy~~ was previously undertaken by the two archbishops, originally, from moderation or from caution, averse to the attempt. An order for its immediate observance was obtained from court; and without the concurrence or knowledge of the privy-council, intimated from the pulpit on the Sunday preceding its introduction in Edinburgh. No preparation was made to ensure its reception; no information was given to recommend its contents. During the whole week the people were agitated by discourses and pamphlets: and the city was filled with their murmurs and discontent⁴². On Sunday the twenty-third of July, the dean of Edinburgh prepared to officiate in St. Giles's, the bishop of Argyle in the Grey Friar's church; and to encrease the solemnity, each was attended by the judges, prelates, and a part of the council, and from the novelty of the spectacle, by a large and indiscriminate concourse of people. The congregation continued quiet till the service began, when an old woman, impelled by sudden indignation, started up, and exclaiming aloud against the supposed mass⁴³, threw the stool she had sat on at the dean's head. A wild uproar that instant commenced. The service was interrupted. The women invaded the desk with execrations and outcries, and the dean disengaged himself from his surplice to escape from their hands. The bishop of Edinburgh

⁴² Baillie's Letters, i. 5.

43 "Villain! dost thou say the mass at my lug!" Memoirs
of the Church of Scotland, 179, by Defoe. Gordon of
Straloch's Hist. MS. Adv. Lib.

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ascended the pulpit, and endeavoured in vain to allay the ferment. Sticks and stones were discharged at the pulpit, and, but for the timely interposition of the magistrates, the bishop might have perished at his own altar.

Tumults.

A part of the people had already retired; and the rest were excluded by the magistrates; the doors secured, and the service resumed. But the doors were assaulted, and the windows broken by the multitude without: the service was overpowered by their furious exclamations; "A pope! A pope! "Antichrist! Stone him!" and the bishop was surrounded on returning home, nor rescued without difficulty from their destructive rage. The service, interrupted in the Grey Friar's by groans, and tears, and loud lamentations, was attempted again in the evening; and, from the care of the magistrates, performed without obstruction. But the tumult had not subsided in the streets. The bishop was conveyed by lord Roxburgh, the privy seal, in his coach from church; pursued with stones by the populace, and protected only by the drawn swords of the earl's attendants⁴⁴.

In this first tumult, the offspring of female zeal, and the prelude, or perhaps the cause of more violent commotions, none but the meanest of the populace were concerned; and from the examination

⁴⁴ Large Declaration, 23. Clarend. i. 109. May 34. Guthrie's Mem. 22. The presbyterian historians attempt to palliate, the royalists to aggravate, the tumults. Baillie, however, admits that such "a tumult was never heard of since the "reformation."

of those apprehended, there is no appearance that it originated from any secret instigation or preconcerted design. It was exaggerated, however, by the chancellor, and extenuated by the council; offended at his separate dispatches to Charles; ascribed by the one to the treasurer's absence, and by the other to the imprudent precipitation of the prelates. The magistrates, who were responsible for the peace of the city, applied to Laud whom they strove to deprecate, as if not less afraid of his, than of the king's displeasure. The city was in some measure subjected to an ecclesiastical interdict. The ministers who had rejected the service, were displaced; morning and evening prayers were prohibited, and even public worship was suspended on Sunday. Throughout the rest of Scotland, the bishops were not less assiduous in urging the service, than unsuccessful, except at St. Andrews, and in the cathedrals of Brechin, Dumblain, and Ross⁴⁵. To aggravate the popular fury, they proceeded to a more unadvised attempt. The former charge, to purchase or receive the liturgy, was executed by the chancellor against Henderson and other non-conforming clergy, and directed by the archbishop of Glasgow against every presbytery within his diocese. In this extremity, the clergy were wanting neither to the church nor to themselves. Henderson, an early proselyte from episcopacy, supplicated the council to suspend the charge, as the new service was not yet authorised by an assembly

Supplications
against the
liturgy.

Aug. 26.

⁴⁵ Burnet's Mem. 31. Large Declaration, i. 28. Baillie, i. 6. Historical Information, MS. p. 6.

B. O. O. R. of the church, nor ~~confirmed~~ petitioned. Similar petitions, presented ~~was~~ ^{these} ~~belonging~~ ^{belonging} from the presbyters of ~~every~~ ^{every} ~~parish~~ ^{parish} were recommended by letters from the chief nobility, and the personal applications of many private gentlemen. The prelates expected that their applications would be rejected, and an adequate punishment inflicted on the authors of the late commotion; but their mortification was extreme when the council declared, that instead of the observance, nothing more than the purchase of the liturgy was required by the charge. But affairs had now assumed a more serious aspect. Moved with numerous applications received in private, the council represented to Charles, that when prepared to co-operate with the ecclesiastical lords, they were assailed by the clamours of some, and the fears of others, hitherto reputed the least disaffected; that a general and increasing aversion to the liturgy could no longer be dissembled; and that, without his permission, the cause could neither be investigated, nor a remedy suggested for the popular discontent. Their disapprobation of the liturgy, which they durst not openly dissuade, was thus obscurely intimated, and the petitions were delayed till an answer was received ⁴⁶.

Transmitted to court.

Such a fair opportunity to recall the liturgy, occurred in vain. The representations of the privy council were disregarded or suspected, by a mo-

⁴⁶ Burnet's Mem. Guthrie's Mem. 25. Rushw. ii. 394. Balfour's Annals, MS. State Business, MS.

Sept. 20.

narch inflexible in his pursuit of conformity. Their request was even rejected; that for his better information, a few of their number should be summoned to court; and in a severe and unmerited answer, he reprehended their lenity to the authors of the late commotions; and while he blamed the intermission, enjoined the immediate observance of the ritual. When this injudicious mandate was delivered by the duke of Lennox, the four original supplicants were augmented to twenty peers, a large proportion of the gentry, and eighty commissioners from towns and parishes, arranged for his reception, and multiplied every where before his eyes. Their numerous petitions were transmitted by Lennox, who was requested to exculpate the privy council from blame, to report the extraordinary scene which he had just witnessed, and to represent the disposition of the nation, and the difficulties that obstructed the performance of the service. As no return was expected till November, the supplicants were industrious in the interval to encrease their numbers, and to establish a regular correspondence through the whole kingdom ⁴⁷.

A report prevailed in October, that an answer had arrived; and as the harvest was then finished, a conflux of all ranks resorted to Edinburgh, almost from every county south of the Grampian hills ⁴⁸. Supplications were presented from two

Accusation
against the
prelates.
Oct. 18.

⁴⁷ Guthrie's Mem. Baillie, i. 9, 15. Historical Information, MS. p. 15.

⁴⁸ Guthrie's Mem. p. 27.

hundred parishes, and a favourable answer might still have dissipated every alarm; a prohibition of the liturgy would have satisfied every complaint. But in consequence of previous instructions transmitted from court, two inconsiderate proclamations were issued, enjoining the supplicants to depart from Edinburgh; transferring the seat of government and of justice to Linlithgow; and suspending the consideration of ecclesiastical affairs. The policy of Charles, to divide or dissolve the supplicants by delay, was too obvious to succeed. When their astonishment and rage had subsided, a formal accusation was prepared against the prelates, as the authors of a liturgy wherein the seeds of idolatry and superstition were sown; of canons whereby the constitution of the church was inverted; of distractions in religion, and of discontent and discord between the people and the king. The accusation, among themselves a bond of union, and to their enemies a signal of hostility, was subscribed by the nobility, the gentry, the clergy, afterwards by all ranks, and almost by every corporation in the kingdom.

While the accusation was subscribed, the citizens, exasperated at the threatened removal of the government and courts of justice, surrounded the common council, and signified by menaces not to be misunderstood or resisted, that unless their ministers were replaced, and commissioners appointed to join the supplicants, their magistrates had no chance to escape alive. Their rage was eluded, or attracted by the appearance of Sydserf, bishop

bishop of Galloway, reported to wear a concealed crucifix of gold at his breast. When rescued from the hands of the women, whose enquiries and search proceeded to personal violence, the bishop took refuge in the privy council, which was now beset by the enraged multitude. The council applied to the magistrates to disperse the multitude, but the magistrates were themselves surrounded; nor was the council released without the interposition of the supplicants whom it had interdicted from the town. In this last tumult, the actors were no longer the lowest of the populace, whom none knew, and of whom few were detected; but the principal citizens, their wives, sisters, and children; and such is the contagion of enthusiasm, the nearest kindred of the magistrates themselves⁴⁹.

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In November the supplicants again assembled; and as the report of their meeting had resounded from the pulpits, their strength and numbers were much encreased. As the late tumults were ascribed to their confluence, they availed themselves of a fair pretext to appoint a few as representatives for the rest, in order to prosecute their accusation against the prelates, and to await the result of their applications to the king. The council uninstructed by Charles, and apprehensive of fresh commotions, acquiesced inadvertently in the proposal, and a new order was instantly established. A

Nov. 15-
Institution
of the
tables

⁴⁹ Baillie, i. 18. Historical Information, MS. 25. Lord Hardwick's State Papers, ii. 95. Large Declar. 33-9.

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proportion of the nobility was first appointed; and from each county two of the gentry, from each presbytery and borough, one or more of the clergy and burgesses were selected as commissioners for their respective orders. Such was the institution of the celebrated tables, whose members were again divided into subordinate tables, to attend when requisite; and over whose separate deliberations, a general table of four from each of the others was appointed to preside. Their union was consolidated by this institution; order and the authority of their leaders were established, and the promiscuous multitude dismissed to their homes; while the policy of Charles was also counteracted, as their combination was not now to be broken by delay.⁵⁰

Dec. 7.
Their demands increase.

A return from court was at length received; that in consequence of the king's resentment at the *late* outrages, an answer to their *former* supplications was withheld; but from his abhorrence of popish superstition, that nothing was required or about to be tolerated, "unless conducive to the advancement of the true religion *as professed at present*." The declaration, however equivocal, was not unacceptable; as those innovations

⁵⁰ Baillie, 25. Hist. Inform. 45.

⁵¹ Large Declar. 456. Rush. ii. 408. The evasion is curious. They had no concern with the riots in July, and their petitions were presented before the tumults took place in October. But an answer was delayed, because there was no sign of repentance, nor any disavowal of riots subsequent to their petitions, and to which, unless in dispersing the multitude, they had no access.

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which the king affected to disclaim, might be imputed with less impropriety to the prelates. But Traquair the treasurer represented to no purpose, that as the service was virtually superseded by this declaration, every requisition of the supplicants was fulfilled. As their strength increased, their demands had extended to the recal of the canons as unconstitutional, and the abrogation of the high commission as illegal; and as the service, although discontinued to-day, might be resumed to-morrow, they required a formal revocation of the liturgy, equal at least to the authority by which it was enjoined. The officers of state requested that each county, to prevent a tumultuous assemblage, should petition separately, at a different season; but they refused to disunite. Every attempt to detach, or to secure their leaders, was found impracticable; and when every evasion was at length exhausted, when a protestation was prepared against the denial of justice, their petitions, and their accusation against the prelates, whom they declined as judges, were received by the privy council, and transmitted to the king. But the prelates had already withdrawn from council, and lord London, who preferred the accusation against them, protested that the supplicants, who sought the preservation of their religion and liberties, demanded no bloodshed nor personal revenge, but expected that the mischief done by the prelates would be remedied, and their powers restrained. As yet they aspired to nothing more; but time, and

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and the opposition which they encountered, enlarged their views ¹².

The earl of Traquair, at the request of the council, was summoned, for the king's information, to court; a man suspected of connivance with the supplicants, and accused by the prelates of contributing to their fall; nor have historians scrupled to ascribe the introduction of the liturgy to his delusive promises, and the opposition which it encountered to his secret instigation. From past offences he was hostile to the bishops, and disinclined to the service from a sense of its impolicy; but his intercourse with the supplicants was apparently the result of a disinterested solicitude for the public welfare ¹³. His fault was an error common almost to all statesmen; he was tenacious of power, and unwilling to lose it by a refusal to execute those measures of which he disapproved. His representations were unfortunately counteracted by the chancellor, whose son, the president, was then at court. His representations of the temper and strength of the supplicants, of the disaffected and distracted situation of the country, were sus-

¹² Rush. ii. 406. Baillie, i. 28. Hist. Inform. MS. 71.

¹³ The Historical Information was prepared by Lord Rothes and Warriston, at the desire of the tables. A copy in the Advocates' Library, with notes by Rothes, for his private use, contains a full detail of his interview with Traquair. The latter complains repeatedly of the obloquy with which he was assailed by the prelates; but there is no indication of any secret connivance with the supplicants, or encouragement to their designs.

pected

pected from his noted animosity to the prelates; and his advice, that the liturgy should be recalled, disregarded. It was difficult for Charles to abandon, on the eve of completion, the object of his father's reign, and of his own. If he persisted in his favourite scheme of an entire conformity, the danger might be great and imminent; but the consequences were not distinctly foreseen; if the liturgy, on the contrary, were revoked, and the canons and high commission abolished, the supplicants while insecure, might remain dissatisfied, and the puritans in England would be encouraged by their success. Where his right to dictate to the conscience appeared indisputable, it was difficult to mistrust the efficacy of his regal power. Moved, it is said, by an historical and domestic example, that the conspirators against Rizzio were dispersed when denounced traitors by Mary, instigated certainly by the furious counsels and the bigotry of Laud, he transmitted with injunctions or an oath of secrecy, a proclamation by Traquair, announcing his approbation of the common prayer book; declaring that the petitions, as derogatory to the supreme authority, justly merited the severest censure, and prohibiting the supplicants to assemble again under the penalties of treason ⁵⁴.

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Motives of
Charles.Proclama-
tion against
the suppli-
cants;

His design that the proclamation should not transpire till published, was already disappointed,

Who pro-
test against
its autho-
rity.

⁵⁴ Baillie, i. 30, 4. Burnet's Mem. 33. Hardw. State Papers, ii. 101.

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and Traquair's instructions divulged to the tables, by intelligence secretly dispatched from court. An alarm was communicated to the whole body of supplicants: their grievances must either be perpetuated by submission, or the means of redress preserved by their opposition to the edict. The crisis was inevitable. They were summoned for the protection of their leaders, from all parts of the country to Stirling, whither the council and courts of Justice were removed; and Traquair had no expedient to prevent their meeting, but to accelerate the proclamation in which it was prohibited. But his departure was discovered at midnight: the lords Hume and Lindsay were dispatched to Stirling; and when the proclamation was announced by heralds, a protest was taken by those peers against its authority, and, with due solemnity, published and affixed to the market-cross. The jurisdiction of the prelates, and of the councils at which they assisted, till acquitted of their crimes, illegal rites, proclamations, canons, were equally disclaimed by this bold defiance; which protested for immediate recourse to the sovereign, and professed that the supplicants had no object but the preservation of their liberties, religion, and laws. At Linlithgow, at Edinburgh in the presence of seventeen peers, and wherever else the proclamation was made, the protestation was renewed as a legal solemnity, in an age tenacious of legal forms, sufficient to counteract or suspend its effects⁵⁵.

⁵⁵ Baillie, i. 30, 4. Large Declar. 48. Hist. Infor.

Historians, who take no computation of the progress of enthusiasm, assure us, that the most considerable force, a troop of horse and a regiment of foot, would have sufficed, at this period, to repress these disorders, and to establish that despotism, to which Charles aspired⁵⁶. The military may participate, however, in the spirit of the times, and the presence of a military force would have rendered the supplicants more circumspect and assiduous to conciliate its support. But the council had no force to assert its authority, which was superseded, or rather transferred entire to the tables, whose orders received a prompt and implicit obedience. No preparations had been made by Charles, as no opposition was unaccountably expected to a change subversive at once of the constitution and of the church. He could not be ignorant that the canons were unconstitutional, and the arbitrary introduction of the liturgy, illegal⁵⁷; but his imprudence had already presented leaders to a discontented people; Balmerino, whom he had alienated by persecution, Rothes by insolence, Loudon by disappointment, and Montrose by neglect⁵⁸. Of these the most distinguished at present

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Motives of
their leaders.

⁵⁶ Burnet's Hist. vol. i. 33.

⁵⁷ Hamilton, in a letter to Charles, intimates plainly that these were illegal. Hardw. ii. 114.

⁵⁸ After the parliament in 1633, Charles, in his progress to Falkland, shunned the road where the gentlemen of Fife had been collected by the earl of Rothes for his reception. On the

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present was the earl of Rothes; of popular talents and persuasive eloquence, fertile in expedients, but of a disposition prone to levity and addicted to pleasure. The earls of Cassilis and Hume, the lords Cranston, Lindsay, Yester, and others, to the number of thirty peers, were engaged in the same combination; and as their object was still indeterminate, their resolution to profit from every occurrence rendered their confederacy proportionally formidable⁵⁹. As the first cause of their discontent was the revocation of church-lands, it appears that in the prosecution of religious liberty, they sought their own preservation from an arbitrary power. That their zeal was counterfeit, can hardly be suspected; that they were actuated by a blind abhorrence of a superstitious ritual cannot well be believed. Religious and civil liberty were then united; and when the former was invaded, the nobility and gentry, although indifferent to neither, attached themselves to the cause whose operation was the most powerful, and in which the people were the most inclined to concur.

same occasion he refused permission to a magistrate, because he was a presbyterian, to kiss his hand. Crawford's Hist. MS. Rushworth ii. 183. The title of earl had been promised London, but the patent was recalled on account of his vote in the parliament 1633. Crawford's Lives of Officers of State. On returning from his travels, Montrose was disgusted at the cold and forbidding reception which he experienced at court. Heylin's Life of Laud, p. 273.

⁵⁹ Baillic, i. 21.

The measures which the tables adopted to unite the people, were judicious and bold; the result perhaps of the peculiar exigencies to which they were reduced. The late proclamation evinced the insincerity of the former equivocal declaration of Charles, and by prohibiting their petitions under the pains of treason, might remind them of the unjust attainder of Balmerino, and of the persecution to which they were destined themselves, when their combination was dissolved. The officers of state were not less assiduous to divide the supplicants, than the prelates to amuse them by delusive promises to intercede with Charles, that the liturgy and canons might be withdrawn from the church, and the high commission modelled anew⁶⁶. To disconcert those various intrigues, and to cement their own union by a solemn engagement, they projected the memorable renewal of their national covenant, whose origin may be traced to the beginning of the reformation, when the lords of the congregation, by their bond or covenant, first undertook the protection of the infant church. In the progress of the reformation it was twice renewed, but on its establishment neglected. During the administration of Arran, a negative confession of faith, that enumerated and renounced the corruptions of the Romish see, was framed to obviate the imputations of popery, and from the example of their sovereign, subscribed by his household and his whole subjects; revived on the approach of the

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Origin of
the cove-
nant.⁶⁶ Baillie, 44. Hist. Infor. MS. 137.

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Spanish Armada, and confirmed by a bond for the preservation of religion, the protection of his person, and their own defence. The name was adopted from the frequent covenants of Israel with God: the nature of the obligation was derived from the bonds of mutual defence and maintenance peculiar to the nation; but the idea itself is familiar in every divided state, wherever associations are formed for the support of a common cause. The covenant was remembered and revered by the people, as an obligation to which their ancestors had repeatedly sworn; instituted during the purity, and renewed in the troubles, or on the triumph of the presbyterian faith⁶¹.

Its nature.

An engagement once popular and still venerated, in which the whole nation might again concur, was announced with precaution, and adapted with suitable deliberation to the times. The supplicants were invited, or exhorted, to repair from the country to a solemn meeting proclaimed by the tables. A preparatory fast was appointed, and the preachers, in secret concert with the tables, recommended an immediate recourse to the national covenant. This memorable deed, of which it would be improper to forget the authors, was prepared by Alexander Henderson, the leader of the clergy, and Archibald Johnston, afterwards of Wariston, an advocate, in whom the supplicants chiefly confided; and revised by Balmerino, Loudon, and Rothes. The negative confession of faith was preserved

⁶¹ Knox. Robertson's Hist. of Scotland.

entire.

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entire. It contained a general profession of the reformed faith, and a minute abjuration of the rites, doctrines, and the whole discipline of the Romish church; its bastard sacraments, its diabolical mass, and the necessity of baptism or of the eucharist to salvation; its invocation or worship of angels and saints; the dedication of churches, days, and altars; its consecrated water and prayers for the dead; the cross, auricular confession, and blasphemous litany; its temporal monarchy, wicked hierarchy, and impious priesthood. A variety of statutes were next enumerated, to vindicate the renewal of this intollerant confession. A bond of union was subjoined, containing a declaration that the liturgy and canons, as if expressly prohibited, were virtually renounced in the confession of faith; and concluding with an obligation to resist those innovations, to defend each other, and to support the sovereign in the preservation of religion, liberty, and law. In this bond the sole difficulty occurred. If the canons and liturgy were virtually prohibited, the articles of Perth and the hierarchy were equally condemned by the confession of faith; but some of the clergy were restrained by an arbitrary oath of conformity which the prelates had exacted; others, to whom the corruptions of the church were offensive, had been reconciled by the lapse of thirty years to its episcopal form; and among the nobility themselves, there were some who had imbibed the doctrine of passive obedience during the late reign. Their scruples were obviated by concessions or casuistical distinctions.

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March 7.
National
covenant
sworn.

distinctions. The use and practice of former innovations, and the approbation of corruptions already established, were forborne, not abjured, till examined and determined by a free assembly; the defence of religion was qualified by the conditional support of the sovereign, and in this comprehensive form, the covenant received the approbation of the tables ⁶².

When the supplicants had assembled in the Grey-Friar's church, the covenant was renewed with solemn exhortation and prayer. It was subscribed and sworn, with uplifted hands, by the nobility, the gentry, the clergy, and burgeses; by thousands of all denominations, of either sex, and of every age. Copies were immediately transmitted, and commissioners dispatched to the different counties in the west and north; and in a few days, the covenant refounded like an alarm through Scotland. The people were roused and agitated by a zeal unfelt since the first reformation. All ranks were attracted to subscribe; and in every parish, the covenant was embraced on Sunday with shouts of the most

⁶² Baillie, i. 35. 45. Historical Information, MS. 140. Charles complained that in the obligation of mutual defence, there was no reservation of the royal authority. In the original covenant there was none. In the new covenant, the obligation was qualified by the defence of his person, in the preservation of religion, liberty, and law. His father would have temporized, but a distinguished trait in his character was a punctilious and intractable pride. He could not require their support in opposition to religion, liberty, and law, yet he could not acquiesce till the fury had abated with which the covenant was subscribed.

enthusiastic

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II.1638.
And uni-
versally re-
ceived.

enthusiastic joy, or with tears and prayers of contrition for their past defection. The fierce clans of the north suspended their feuds, and within two months, almost all Scotland submitted to the covenant. Aberdeen alone was withheld from subscribing, by the influence of the university and the power of Huntley. Great was the joy, inexpressible the comfort diffused on the imagination, or the heart, by this second reformation, which was ascribed in its origin and success to the divine presence, and compared in its progress to Elisha's cloud, from the breadth of an hand overspreading the firmament; and which was productive certainly of a change, if not a real reformation of manners, more austere devotion, an abstemious simplicity in apparel and diet, a gloomy circumspection in social life⁶³.

The advantages acquired by the tables surpassed expectation. Their adherents were encouraged, and their adversaries disheartened by the discovery of their strength, and of the ardent enthusiasm with which the covenant was received. The nation was divided into two parties; the covenanters, a name originally imposed by their adversaries, and the non-covenanters; but the latter was comparatively a feeble party, composed of the papists, the officers of state, their dependents and friends, and a few attached to the English service, or apprehensive that the league was not strictly legal⁶⁴.

⁶³ Baillie, 67. 70. Livingston's Life, MS. Answers to the Professors of Aberdeen against the Covenant.

⁶⁴ Historia Motuum. Notwithstanding the outcry against Papists, they were estimated absurdly not to exceed six hundred.

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A confederacy established without authority, whose demands might be daily multiplied, was variously canvassed; arraigned as an usurpation of power, directed, like the catholic league, against the sovereign himself; or justified by the example of their ancestors, as an usage never entirely intermitted; instituted for the preservation of peace and religion, absolutely necessary, and therefore legal⁶⁵. Had the covenant never been established, the liturgy and canons, by the religious abhorred as oppressive, and by the most moderate as illegal, must have either been perpetuated, or resumed at a more favourable conjuncture if withdrawn. The abhorrence which they excited was certainly disproportionate to their extreme futility; yet at a time when religion was dear to men, a combination to resist unlawful innovations otherwise inevitable, could with no propriety, especially by the authors of those innovations, be accused as illegal. Their engagement might operate against their sovereign; but the sovereign was himself engaged in illegal measures, subversive of their religious and constitutional rights. Their designs might afterwards prove more extensive, but their original professions were not therefore insincere. They still persisted in their original demands, or in others not less reasonable or necessary; and required the admission of ministers without arbitrary oaths, and the discretionary observance of the articles of Perth, till a free parliament and assembly were held, to examine and efface the

⁶⁵ The original covenant was not disused in the university of Edinburgh till 1635. Crawf. MS.

corruptions of the church. But every application to court was rejected; their petitions were contemptuously returned unopened; and the king, however destitute of a force to oppose, neglected by timely concessions to dissolve their league. Tenacious of his former resolutions, and therefore dilatory, he protracted in vain deliberations, the time employed by the tables to confirm their authority, and to propagate the covenant in the remotest corners of the west and north⁶⁶.

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Nine months had elapsed since the first supplication, three from the date of the covenant, when the marquis of Hamilton, a man ostensibly connected with neither party, whose father had established the articles of Perth, was appointed commissioner to represent the king. His entrance into the capital was obstructed at first by a general alarm, that arms and ammunition had been imported from London, and conveyed by night to his residence at Dalkeith; but when the destination of the arms was discovered, the covenanters surrounded the castle of Edinburgh with a strong guard, that no repairs nor supplies should be provided for their destruction. On surmounting this obstacle, he was honourably received, in a manner artfully concerted to display their strength. From Leith to Mulsburgh, twenty thousand, whom a solemn fast had attracted, were arranged for his reception on foot and horseback; and among these, the most conspicuous on an eminence, were six hundred

Hamilton
appointed
commis-
sioner.

⁶⁶ Hist. Infor. 157. 282. Hailes' Mem. ii. 38. Burnet's Mem. 39. 42.

clergy-

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clergymen in black cloaks⁶⁷. The multitude were afterwards dismissed at his request: but in the progress of the negociation it was soon discovered that the object of his instructions was rather to obtain than to grant concessions. The surrender of the covenant was required as a preliminary; and, in return, the king promised to regulate the high commission by the assistance of his council, so that it should no longer be found oppressive; and to desist from urging the liturgy and canons, unless in a fair and legal manner, satisfactory to his subjects. Concessions so nugatory, after such long delays, were considered, with some reason, as a mockery of their demands. They professed their fixed resolution, sooner to abandon their baptism than their covenant, which they explained and invited the commissioner to subscribe, as not intended to derogate from the authority of the king. That the covenant was derogatory to his prerogative, can admit of no dispute; but that the concessions would prove satisfactory, was never seriously expected by Charles. In these concessions, his ideal dignity was preferred to the public tranquillity, and alone consulted. Instead of acceding to the demands, in order to obliterate the discontent of his subjects, the exclusive object of his instructions to Hamilton was to dissolve the covenant, and by a deceitful negociation to amuse its adherents, till a force was prepared to punish and suppress their designs⁶⁸. His

⁶⁷ Hist. Infor. 54. Baillie, i. 57. 61. Hist. Infor. 240, 55.

⁶⁸ See NOTE III.

concessions

concessions were specified in a declaration transmitted by the commissioner, and now proclaimed.

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The surrender of the covenant, under the pains of treason, was omitted by the commissioner; but the proclamation, which was still offensive, was encountered by another protest from the tables, that their grievances were not yet alleviated; but on the contrary, that their proceedings were unjustly stigmatized as seditious. An independent assembly, and a free parliament, was the universal outcry; and in order to procure additional instructions or a farther delay, the commissioner repaired in person to court, under reciprocal conditions that no alteration should take place till his return; but with an intimation from the tables, that an assembly, if refused by the king, would be held by the authority inherent in the church⁶⁹.

Negotiations.

His representations of the strength and fury of the covenanters, and the slow progress of military arrangements, far from producing immediate, or adequate concessions, confirmed Charles in his resolution still to temporise, until the forces secretly meditated were silently prepared. His instructions were therefore more ample than the former, but not more satisfactory. His commissioner was permitted to summon an assembly, under limitations inconsistent with its freedom; that the moderators of presbyteries, whom the tables had removed, should be replaced and received as constituent members; or if this were inadmissible, that

⁶⁹ Hist. Infor. 61. Baillic, 64, 70.

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the members should be chosen by the clergy alone⁷⁰. These conditions would have rendered the assembly subservient to the crown. But the resolution of the tables to indict a free assembly, was prevented by another expedition to court. On the return of the commissioner, their original demands were unexpectedly conceded. The canons, the liturgy, and the high commission, were unconditionally recalled; the articles of Perth were suspended; an assembly and a parliament were successively appointed, where the prelates might be legally prosecuted, and their usurpations restrained⁷¹. At an earlier period such explicit conditions might have proved satisfactory; but the covenanters now aspired to restore the presbyterian, and to overturn the episcopal form of government, without which every concession was deemed insecure. They were instructed by the history of the former reign, that however circumscribed or reduced at present, the hierarchy might again revive, and its noxious branches again overspread and obscure the church. The delays of a whole year, and the duplicity of Charles in the most partial, had, in the most ample concessions, inspired an incurable mistrust of his sincerity; which was aggravated and confirmed by an unseasonable stratagem to dissolve their league.

King's covenant.

The negative confession of faith, and the bond subscribed by his father, were united with his

⁷⁰ Hist. Infor. 61. Large Declaration, 116. 123.

⁷¹ Id. 137. Burnet's Mem. p. 73. See NOTE IV.

concessions,

concessions, and renewed ostensibly as an attestation of his faith. But they were enjoined with a more insidious design to supplant the covenant; or, by the original oath to maintain *religion as professed at present*⁷², to supersede the obligation to resist innovations introduced since its first institution. Although adopted by Charles, at the suggestion of Hamilton, the confession was subscribed by neither without violence to their conscience. It was received by the council in its primitive acceptation, as originally framed; with an explanation to support religion as *then professed*⁷³. But the covenanters descried the intended snare, and rejected with abhorrence the king's covenant as a dereliction of the engagement to which they had sworn, while the acclamations were yet recent in the ear, before the tears with which it was solemnized were dried from the cheek. From a strange fatality that attended

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⁷² By this ambiguous expression employed in the first declaration, Charles tacitly understood the episcopal, but left it to his subjects to suppose the presbyterian religion. From Baillie it appears, that at present the only subject of apprehension was the king's covenant. It was viewed as a source of division; and the alacrity with which it was urged, reflected suspicion on the whole concessions. Baillie, 79. 81.

⁷³ It was subscribed with three different explanations; by the privy council in its original sense; that is, exclusive of prelacy; by the professors of Aberdeen, with a reservation of episcopacy; and by Hamilton, with an additional reservation of the real presence in the eucharist. I know not with what secret reservations Charles subscribed a confession so repugnant to the doctrines of Arminius, and the rites introduced by Laud into the English church.

Charles,

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Assembly at
Glasgow.

Charles, his most ample concessions were still intermixed with some latent deceit.

The assembly promised by Charles was held at Glasgow, where the family influence of the commissioner was powerful, in preference to Aberdeen where the covenanters were weak. From the disuse of assemblies, their original constitution was almost forgotten; and the lay-elders displaced by James, appeared an innovation when they were first restored. But the tables distrusted the moderation of the clergy, inured perhaps to the dominion of the crossier; nor was the yoke of the prelates to be broken, that the domineering arrogance of presbyteries might again revive. From each parish an elder was directed to attend the presbytery; and when the clergy were thus controlled, and from the removal of the candidates, outnumbered by the laity, the most orthodox were selected as commissioners, and the chief covenanters as elders of assembly⁷⁴. From a large accession of the nobility and gentry, its authority far exceeded whatever ecclesiastics alone could arrogate; and to encrease its influence, four assessors were assumed by each elder, to consult in private, or in public deliberations permitted occasionally to interpose their advice. In a few presbyteries lay-elders were admitted with reluctance; but

⁷⁴ Large Declar. 282. The prelates confess, for the covenanters had proved indisputably, that lay-elders were originally constituent members of Presbyteries. That they had no share in the election of clergy for the assembly, may be regarded as a gratuitous assertion. Id. 252.

their

their introduction furnished the prelates with a grateful pretext, to decline the jurisdiction of an assembly no longer subservient to themselves or to the crown. An accusation had been preferred from different presbyteries, charging them respectively with heresy, simony, falsehood, habitual swearing, drunkenness, deceit, adultery, gaming, and the profanation of the sabbath; and collectively, with transgressing the limitations imposed on their order, and usurping the title and deportment of ecclesiastical lords. Whatever were the vices with which they were aspersed individually, or to which they were collectively obnoxious as church men, were accumulated on their heads; but the means employed to defeat this accusation were neither judicious, nor on the part of Charles unexceptionably sincere. As if his promise were absolved by a permission merely to assemble, his commissioner was instructed to infuse into the clergy, with the most artful industry, a jealousy of the overbearing influence and numbers of the laity, to inspire the laity with a similar distrust of the clergy, and to dissolve the assembly on affected nullities, by fomenting mutual divisions and disputes⁷⁵. Notwithstanding his late declaration

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⁷⁵ Burnet's Mem. 74. "As for this general assembly, though I can expect no good from it, yet I hope you may hinder much of the ill, first by putting divisions amongst them concerning the legality of their elections; then by protesting against their tumultuary proceedings." Id. 82. "As for the opinion of the clergy (the prelates) to prorogue this assembly,

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tion that the prelates were amenable to the assembly, and might be legally prosecuted, their *declinature* or protestation against its authority, was revised by himself as a pretext for its dissolution, and presented by Hamilton before the election of a moderator or clerk⁷⁶. But the assembly refused to hear or receive it till regularly constituted; and when Henderson was chosen moderator, and Johnston the clerk, proceeded, during the first week, to examine deliberately the commissions of its members. When permitted at length to be read, the declinature provoked a question on the power of the assembly to sit in judgment on the bishops, which, by prudent management, the commissioner might have delayed, and should have studied to avert. Instead of insisting on the declinature, and protesting against the most indifferent proceedings, had he endeavoured to sooth the assembly by acquiescence or entreaties, the fate of the prelates might have been less severe. Had a free enquiry been first indulged, the condemnation of the li-

“assembly, I utterly dislike them, for I should more hurt my
“reputation by not keeping it, than their mad acts can pre-
“judice my service. Therefore I command you, hold your
“day; but as you write, if you can break them by proving
“nullities in their procedure, nothing better.” Id. 88. In
another letter, he informs Hamilton that his first instructions
warranted the dissolution of the assembly, which they em-
powered him to hold. Id. 107.

⁷⁶ The object was to oppose a nullity to its future pro-
ceedings, and if these were violent, to dissolve the assembly,
on the pretext that it could not judge of its own legality.
Id. 96, 100.

turgy

turgy and canons, the articles of Perth, and the errors of Arminius, might have gratified the importance of the clergy, and assuaged their resentment. But the question was industriously solicited, as a fair pretext to interrupt the deliberations of the assembly, which the commissioner dissolved when the vote was demanded, as a convention irregularly chosen by laymen, and incompetent, therefore, to the trial of prelates. The king had already improvidently sacrificed the authority of government, and the tranquillity of the nation to a courtly ritual; and from his attachment to its authors, was now content to endanger his crown.

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Dissolved
by Hamil-
ton.

An assembly ready to convene without authority, was not disposed to separate without some conclusion. Encouraged by mutual exhortations, and vindicated from contumacy, by some early precedents of the independence of the ecclesiastical, on the civil establishment, the members refused obedience to this abrupt dissolution. Their resolution not to disperse, was confirmed by the approbation of no inconsiderable part of the privy council, and the open accession of the earl of Argyll, then the most powerful among the nobility, soon distinguished as a leader of their party; whose character has been variously described as equally supple and inflexible, cautious and determined; or as a man of a clear and vigorous understanding, exemplary and sincere. His unexpected defection from the court, was ascribed to his rivalry with Hamilton, or resentment at

But refuses
to disperse.

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the preference of Spotiswood to the office of chancellor; but the correspondence of Strafford has revealed a more secret and satisfactory cause. An invasion from Ireland was already concerted with the earl of Antrim; Cantire, to which the Macdonalds had some claim, was stipulated as his reward; and Argyle, who discovered when in England that his estates were to be partitioned, had no resource but to embrace the covenant for his own preservation⁷⁶. The members proceeded under his auspices, on irregularities already explained in our history, to annul the six preceding assemblies as corrupt, from the first convention at Linlithgow to the last at Perth. The clergy were thus relaxed from the oaths of conformity exacted at their admission: presbyteries were restored to their original rights; the articles of Perth, and whatever else those assemblies had enacted, were virtually rescinded; but a formal abrogation was still demanded, and the articles from which every division had arisen, were repealed as abjured in the original covenant. The canons and forms of consecration, the liturgy and high commission, were condemned. Episcopacy was abolished, and explained, in opposition to the interpretation bestowed on the king's covenant, as previously abjured by the confession of faith. The oppressive policy of two reigns was now subverted: the baseless fabric of a divine hierarchy was at once dissolved. But the orders of the hier-

Abrogates
prelacy.

⁷⁶ Strafford's Letters, ii. 325.

archy escaped not the storm ; and of the fourteen bishops whom the assembly degraded, eight were excommunicated as contumacious or impenitent, four deposed, and the remaining two, on their timely submission, were suspended merely from their ecclesiastical functions. Their crimes in general, were Arminianism, superstitious or illegal innovations, and the usurpation or tyrannical abuse of power ; but their lives were confessedly irregular⁷⁷ ; their poverty was generally relieved by simony : their contempt of puritanism had produced an utter disregard of decency, and their prosperous ambition a relaxation of morals. When the work of reformation was at length accomplished, the assembly, on the thirtieth day after its commencement, arose in triumph⁷⁸.

The excommunicated prelates retired to England, where Spotiswood, the immediate author of every disaster, resigned the seals for a pecuniary consideration, and expired next year. In prosperity his behaviour was without moderation, in adversity without dignity ; but the character of a leading, aspiring prelate, has either been unduly extolled, or unjustly degraded. As a scholar and an historian he excelled his contemporaries ; and it was his peculiar felicity, that his erudition was neither infected with the pedantry, nor confined to the polemical disputes of the age. His abilities recommended him first to preferment ; but his ambition was promoted by the supple, insinuating

Death and
character of
Spotis-
wood.

⁷⁷ Hardwick's State Papers, ii. 114.

⁷⁸ Acts of Assembly 1638. Large Declaration, 209. 364.

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habits of craft and intrigue. His revenge was formidable to the nobility and officers of state; oppressive to the clergy, and conjoined with an inordinate ambition, ultimately ruinous to his own order. At an happier period, when no temptation was presented to his irregular ambition, the same talents might have rendered him a distinguished ornament to the church which his disregard of the gloomy decorum exacted by fanatics, was supposed to disgrace.

From the first supplications so contumeliously rejected, to the last imperious decrees of the assembly, the progress of discontent has been minutely traced, through a train of negotiations misunderstood, or imperfectly described by historians; but without which it is impossible that the motives, or the provocations of either party can be duly estimated. Whether the last concessions were sincere, or should have been received as satisfactory, has been vainly agitated; for the early complaints of a people ought never to be despised, nor the first symptoms of discontent exasperated. Tranquillity was yet attainable, for the professions of the covenanters were loyal and respectful; and the preservation of an idle and insolent priesthood, whose sentence might be rejudged if severe, and the opinion of the nation obtained in parliament, could neither deserve nor justify an internal war. The surrender of the covenant there was no reason to expect; but as yet the covenant had no operation except in religion, and might have been silently obliterated by a profound indifference to religious

religious disputes. But it appears that the rupture with the assembly was anxiously solicited, and embraced by Charles, that its actions might justify his recourse to arms.

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His preparations were far advanced : arms and a formidable train of artillery, were provided, and his levies were accelerated through each county of England. Considerable loans were procured from the nobility, and the papists were instigated by the queen, and the clergy by Laud, to contribute largely to this *episcopal* war. The nobility, according to an ancient practice, were summoned to attend their sovereign at York, on the supposition that an invasion was intended by the Scots. A negotiation was opened with the regency of the Spanish Netherlands, for six thousand veteran soldiers, to be exchanged for Irish recruits, and transported to Leith ; but the treaty was interrupted by disasters which the Spanish arms successively incurred. It was the intention of Charles to invade the devoted country from Ireland on the west, and on the east and north, with his navy, and troops from England to co-operate with Huntley ; nor did he apprehend that the covenanters thus beset, would resist the approach of his arms from the south ⁷⁹.

King's preparations for war.

1639.

But the Scots were neither to be deceived by negotiations, nor dismayed at an armament. At whatever period the idea of resistance was first entertained, the delays and evasions practised by the

Preparations of the Scots

⁷⁹ Rushw. ii. 790. 818. Clarendon. State Papers, ii. 23. Burnet's Mem. 59. 113.

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king, were sufficient to convince them that every concession extorted from his necessities must be maintained by force. Ever since the arrival of his commissioner, and the first report of his military preparations, their merchants had been employed on the continent, in the purchase and the clandestine importation of ammunition and arms. The covenant was received by their countrymen abroad, in the Swedish service; and Alexander Lesly, a distinguished officer, was invited by Rothes to return as their future commander to Scotland. Their pecuniary resources, to the extent at least of an hundred thousand crowns, were derived from Richlieu, who employed his almoner Chambers to reside as a secret emissary in Scotland; and was stimulated to revenge by the refusal of Charles to connive at the partition of the Spanish Netherlands. By means of the Scottish pedlars, their declarations were dispersed, and a correspondence established with the puritans in England, who surveyed their progress with an expectation to find in Scotland, the asylum from which they were debarred in America. Their pacific declarations, that disclaimed the imputation of invading England, were prohibited in vain; but when they were denounced at last, as traitors actually engaged in rebellion, the magnitude of their danger, and the necessity of immediate and vigorous preparations, were revealed to their view³⁰.

³⁰ D'Estrade, vol. i. p. 8. Rushw. ii. 840. Whitlock, 28. 31—3. Hailes' Mem. ii. 41. Vittorio Siri, *Memorie Recondite*, vol. viii. p. 799. Mercurio, vol. i. 199.

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For a de-
fensive war.

The difficulties to be surmounted, were truly great. It was necessary not only to convince the nation that resistance was just, but to rekindle the military ardour of a people disused to war, if not unaccustomed to the use of arms; and from their own resources to cope at once with internal enemies, and their sovereign supported by the strength of England. Foreign aid was judiciously rejected as burdensome to themselves, and an object of jealous apprehension to the English. The original doctrines of the church, the duties of magistrates, and the rights of subjects, were carefully inculcated. The pulpits resounded with the lawfulness of defensive arms; and the curse of Meroz was pronounced on those *who came not to the help of the Lord against the mighty*⁸¹. The most moderate men, in their youth impressed with the doctrines of passive obedience, were reconciled by the apparent necessity, to the right of resistance. They distinguished between a king whose power was confined to Scotland, who must have yielded to the demands of the nation, or the advice of parliament, and a monarch whose opposition sprang from a foreign support, and against whom, as his approach was the invasion of a foreign power resistance was properly a national defence. The most experienced officers, trained to arms by Gustavus, and employed by Banier, were recalled by Lesly to the defence of their country. Additional supplies of ammunition, arms, and artillery were provided. A committee for military affairs was established at Edinburgh. Subordinate committees,

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committees, and commanders who had served abroad were distributed through each county, and the people were trained in rotation, to the use of arms. Two thousand foot were embodied under Monro, as a seminary for soldiers, to overawe the borders; and nine hundred men were raised by Argyle, to oppose the Macdonalds of the isles, and the arrival of Antrim, their chief, from Ireland⁸².

National
fortresses
surprised by
the Scots.

Each party, as usually happens in civil wars, was desirous that the other should commence hostilities; but when the king's forces assembled at York, when Huntley began to arm in the north, and the marquis of Douglas in the south of Scotland, a general attack was concerted, to reduce every fortified place by surprise. Lesly, with a thousand select musketeers, appeared unexpectedly before the castle of Edinburgh; and after a short parley, a petard was applied to the outer gate; the inner was scaled; and the castle was taken by assault, without the loss of a man. On the same day, Dumbarton, the second strength in the kingdom, was surprised; Dalkeith was surrendered by Traquair, together with a store of ammunition and arms; and Carlaverock, which the vicinity of Carlisle protected, was the only fortress that remained unreduced. To restrain the hostilities of the marquis of Huntley, seven thousand men were collected from the counties adjacent to the

⁸ Baillie, i. 151—7.

Tay, by Montrose and Leffly, who imposed the covenant on Aberdeen, and conducted the marquis himself as an hostage to Edinburgh.

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The fortification of Leith was a national work, undertaken with such enthusiasm, that volunteers of all ranks, the nobility as well as the gentry, were employed on the bastions, and ladies of the first distinction assisted in transporting materials. The fortifications advanced with rapidity, and when the marquis of Hamilton arrived with a fleet from England, the port which he intended to seize was secured from assault, and the capital protected against an attack from sea. But his force consisted only of three regiments, impressed in haste, and embarked without discipline, in such a sickly condition, that after a vain requisition for the surrender of Leith, it was necessary to land them in the uninhabited islands interspersed through the Forth. Imputations of treachery are the common resort of an unsuccessful party, and his inactivity was ascribed to a secret correspondence with the enemy, whom he encouraged, it is said, in rebellion, from the supposed design of his expedition to Germany, to promote his own succession to the crown. A descent was impracticable in the Frith, for the towns were protected by batteries, and the coasts defended by twenty thousand men; but if his fleet had sailed northward to co-operate with the Gordons, again in arms, a powerful diversion might have been effected for the king. Whether deficient in military talents, or jealous of Huntley, or what is more probable, reluctantly embarked

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King's army
advances to
Berwick,

embarked in a civil contest against his countrymen, he affected to negotiate till the English army approached the frontiers²³.

That army, to the number of twenty-three thousand horse and foot, had advanced from York to Berwick, from the magnificent attendance of the nobility on their sovereign, more in the style of a military triumph than an ordinary march. Lesly had arrived at Dunglas and Monro at Kelso; but a mild proclamation not to approach within ten miles of the royal camp, was obeyed by the Scots, as a proof that no hostile designs were entertained against England. The king elated, and easily persuaded that the Scots were intimidated, emitted a hasty proclamation, requiring them to submit within ten days, or if they continued in arms, affixing a price on their leaders' heads, and by a vain policy conferring their rents on the tenants, and their estates on the vassals who should revolt from their service, or on their feudal superiors who adhered to the crown. It was published without opposition at Dunfermline. But at Kelso, the earl of Holland was opposed by Monro, and it soon appeared, that if the martial spirit was extinguished in England by a long peace, it was rekindled in Scotland by religious zeal. Although superior in cavalry, the English were struck with a panic terror, and their disorderly retreat was almost converted without a single blow into an ignominious flight. The

²³ Baillie, i. 169. Guthrie's Mem. 51—5. Spalding, i. 127. Burnet's Mem. 124. 32. Balfour's Annals, MS.

Scots encamped on Dunselaw, within sight of the English; a strong and intermediate position between the roads that led to their capital from Coldstream and Berwick. Their army was rapidly augmented from twelve to twenty-four thousand men, and but for the defence of the coasts and the western borders, as every fourth man was prepared or appointed to march, their numbers might have been increased to an indefinite amount.

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At the sight of their hills, after a long interval again covered with a national army, a lively and universal sensation of joy was diffused. Servility was contrasted with freedom; an abject and oblivious subjection with national independence, and the horrors of a civil war were forgotten in the midst of an unbloody campaign. Their camp was a spectacle not less interesting to the military, than edifying to the devout. Their colours were inscribed with the crown and covenant of Christ; the soldiers were summoned by drums to sermon, and their tents resounded at dawn and sunset, with psalms and prayers. But the clergy were instrumental in preserving discipline; and the dangerous emulation of the nobility was repressed by the discretion of Lesly their general; an unlettered soldier of fortune, of an advanced age, a diminutive size and a distorted person, but prudent, vigilant, enterprising, and expert in war. His resolution was either to fight or to treat with advantage, for his situation admitted not of long delay. Without resources to maintain a long campaign, the Scots imputed the inactivity of Charles to a refined policy,

And the
Scots to the
Borders.

BOOK that while their trade was intercepted at sea, when
 11. furrounded and assailed on the west and north,
 1639. they might submit at discretion; but they knew not that the Irish invasion had failed, and that the troops were detained to restrain the natives, or the Scots whom James had transplanted to Ulster. No obscure intimation was therefore given of their design to approach the English, entrenched on the opposite side of the Tweed. But their pacific overtures were never intermitted. Their petitions were renewed, on an invitation conveyed through one of the king's pages, and when some punctilious preliminaries were adjusted, commissioners were mutually appointed to negotiate *.

Motives of
Charles to
negotiate.

When the cause and the motives of this sudden transition from war to treaty are impartially considered, it appears that a precipitate recourse to arms had involved the king in a perplexing situation, from which it was impossible to advance without danger, or to recede without disgrace. Trusting to the pomp and report of his military preparations, he had rejected every proposal for accommodation at York, and instead of a determined resistance, expected a cheap triumph and an unobstructed march. But he was opposed on the borders by an army superior in numbers, discipline, and what is equivalent to either, in experienced officers, and that determined valour which enthusiasm inspires. His troops betrayed an indifference to his cause, and his nobility a reluctance to engage in an invasion which they were summoned to

* Baillie, i. 169. 79. Rushw. iii. 939.

repel.

repel. They participated in the universal discontent of the nation, to whom the demands of the Scots appeared so reasonable, that they might enjoy their liberties and religion unmolested, whose grievances so nearly resembled their own, that the war was unpopular, unless as conducive to a parliament in England, and the subjugation of the Scots was deprecated, lest it should be transferred by the same sword to themselves⁸⁵. The free spirit of the Scots was respected; and from an example of successful resistance, they anticipated the recovery of their own violated rights. The sentiments of the nation were propagated among the soldiers, by the nobility and gentry who resorted to the camp; and on the approach of Lesly after lord Holland's retreat, an aversion to the war was no longer concealed. It was equally impracticable to subdue the Scots, or to remain on the defensive with an exhausted treasury; but it was difficult to treat, where the prerogative from their lofty pretensions, must be degraded in Scotland, and exposed to similar encroachments in England. The nobility were urgent for peace; but it appears that the balance was inclined by Laud, who dissuaded the king from action, as he was satisfied that the Scots were superior in strength, and that his own ruin was involved in a defeat⁸⁶.

Whether the commencement or the result of the pacification be examined, there is no room to

Pacification
at Berwick.

⁸⁵ May, 46—8.

⁸⁶ Burnet's Mem. 139, 40.

conclude

conclude that on the part of Charles it was originally sincere. The commissioners had scarcely assembled in lord Arundel, the general's tent, when the king unexpectedly entered, in order, he said, to refute the calumny that his ear was impervious to the complaints of his Scottish subjects; but from that moment an end was put to a free conference, mutual explanation, and the minute adjustment which a permanent treaty must always require. As an umpire between himself and his subjects, he declined a vindication of their past conduct. When their desires were specified, the enjoyment of their religion and liberty according to the ecclesiastical and civil laws of the kingdom, was too reasonable to be refused; but the confirmation of the late assembly was too humiliating to be conceded. No cordial accommodation was attainable, unless its acts were either confirmed or renewed; but the commissioners knelt in vain, and implored the king to consent to the removal of episcopal power. A conciliatory measure was at length adopted; a new assembly was proposed as a substitute for one which the king was unwilling to acknowledge and the Scots to disclaim. A royal declaration was accordingly prepared; that although the late pretended assembly could never be acknowledged, ecclesiastical matters should be referred to the decision of another assembly, and civil affairs to a parliament summoned to confirm its acts. On this indefinite basis the articles of pacification were hastily constructed; that the armies should be disbanded on each side, the
fleet

fleet withdrawn, and the forts restored; that all illegal conventions should be dissolved, and the authority of the sovereign again established²⁷.

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Such were the ostensible terms of the treaty, which was modified according to the Scots, by certain verbal explanations, carefully noted on their return to their camp. If the declaration appeared to be harsh or ungracious, it was observed, that something was due to the king's honour, lest it should be degraded abroad; that the assembly of which he publicly disapproved, the nation was not required, nor understood to renounce; and that his consent at present to the removal of episcopacy, might prejudicate the future decision of the assembly to which the question was referred. These concessions were afterwards disavowed by the English commissioners, and burnt as slanderous; but they are consonant to the tenor and ambiguous spirit of the whole treaty, and apparently genuine²⁸. Is it credible that the Scots would acquiesce without reservation or remonstrance, in a declaration that their late beloved assembly was a spurious synod; or was it possible ever to accomplish the treaty, if the removal of episcopacy had been peremptorily refused? Vague and ambiguous expressions might be received and noted as positive conditions; but these explanations were necessary to reconcile the Scots to a declaration in which Charles evidently consulted his own reputation;

²⁷ Hardwick's State Papers, ii. 130. Rushw. iii. 940. Baillie, i. 179. Burnet's Mem. 140.

²⁸ See NOTE V.

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and were implied in the very pacification, the object of which was to examine, in a new assembly, the abrogation of episcopacy by a synod which the king refused to confirm, and the nation to disown. Sensible that the influence of the covenanters would procure an assembly to renew, and a parliament to ratify all its acts, he could only propose to obstruct their decision, and evade the object to which the treaty was directed.

Necessary
of the
Scots.

The pacification was necessary however to the Scots, who were incapable of maintaining a defensive; and averse to an offensive war as premature. Nor was it less advantageous in impressing the English with an esteem for their moderation, and foreign nations with the reputation of their strength. But wherever the sword has been once unsheathed, a treaty with the sovereign is seldom permanent. A pacification in which nothing definitive had been concluded, was justly deemed a precarious armistice, to subsist till the war could be renewed with advantage. The more zealous covenanters were dissatisfied that the repeal of episcopacy was omitted, and alarmed lest the treaty should leave them unprotected and exposed to the resentment of the king. Their army, notwithstanding, was disbanded; their camp of huts was burnt; the fortifications of Leith were surrendered, and thirty castles were restored to government¹⁹.

Mutual
jealousies,

Jealousies, and as it was natural to expect, some occasional disorders survived the commotion.

¹⁹ Baillie, i. 187.

When

When invited to the court at Berwick, fourteen of the principal covenanters were detained by the apprehensions of the populace for their safety, and the king, who had promised to preside in the assembly, was dissuaded by the flattering remonstrances of his courtiers, from entrusting his person among the mutinous Scots⁹⁰. Traquair was appointed commissioner instead of Hamilton, who declined the renewal of that painful pre-eminence; and Charles returned in discontent, from an inglorious campaign which he was unable to prosecute, and a treaty to which he was unwilling to adhere.

Diffimula-
tion of
Charles.

Having advanced so far, says a celebrated historian, he should have persevered in pacific measures, nor recommenced hostilities except on such provocations as would have justified his cause to the English nation. Perhaps he mistook those imaginary injuries which affected none, for provocations in which the whole nation would participate with himself. His new commissioner was speciously instructed to subscribe the covenant, as it was originally framed; to prohibit the liturgy, but not as superstitious; to repeal the articles of Perth, yet not as if abjured in the confessions of faith; to remove the high commission, the canons and episcopacy, not however as unlawful, but if necessary to prevent a rupture, as inconsistent with the constitutions of the Scottish church. Under these fastidious distinctions, we discern a latent, refined duplicity; especially when he declares that

⁹⁰ By Strafford, Letters, ii. 363. and Windebank, Clarend. State Papers, ii. 56.

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“ rather than abrogate the assemblies or the statutes which his father had procured to support episcopacy, *and which might prove so useful hereafter*, “ he was content that his secret intentions should “ transpire.” His secret intentions are explained by the counsels which he received from Traquair ; to acquiesce for a time in the repeal of episcopacy, as whatever was enacted during the absence of the prelates, one of the estates of parliament, was intrinsically null, and at a more propitious season might be easily revoked. His consent to the abrogation, was granted with a secret reservation for the revival of their order ; and availing himself of the ambiguous request in the treaty, to enjoy religion and liberty according to the civil and ecclesiastical laws of the kingdom, he proposed to retain their temporal, as the means of restoring their spiritual powers. For that purpose he instructed the bishops to lodge a protestation against the assembly and parliament, which was to be divulged to neither, but to give the forms of publicity to an instrument meant to be kept a profound secret, was to be presented to his commissioner, by some obscure, unsuspected person, on his entrance into the church where the assembly was held. He assured the prelates, that the concessions to which he might yield at present, he should study to recover, and comforted them with a promise to repair their losses, and in due time to re-establish their power.” His dis-

“ Burnet’s Mem. 149—54—6—7. One of Traquair’s instructions is remarkable, that at the conclusion of the assembly he

disimulation, which it is impossible to deny, it is in vain to extenuate: yet we may observe in those reservations, that by a casuistical deception not uncommon among mankind, he was solicitous not only of a legal, but of a conscientious pretext to justify to himself as well as to others, the revocation of every reluctant concession. But his dissimulation illustrates the insincere object of the preceding treaty; by the reference of all disputes to a future assembly, while he meditated how to reverse its decisions, he persuaded the Scots to disarm and disperse.

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The assembly was conducted by the prudence of Traquair, with a moderation which might have convinced him that the nation was not yet irreconcilably lost. Every reference or allusion to the preceding assembly, was carefully avoided in compliance with his prejudices; but the same conclusions were preserved, by recapitulating the grievances with which the church was afflicted. The liturgy, the canons and high commission, the articles of Perth, episcopacy and its corrupt assemblies, the admission of churchmen to seats in parliament, were enumerated in the language of the assembly, as superstitious, tyrannical, or adverse to the confession of faith; but were condemned almost in the terms prescribed by Charles, as still unlawful in the Scottish church. The covenant was

Assembly at
Edinburgh.

he should protest in the fairest way he could, that whatever passed in his master's absence might be challenged afterwards, if prejudicial to his service. This was to obtain a pretext for disavowing his commissioner.

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renewed with a declaration to support the authority of the king, and when it was subscribed by the commissioner, the assembly, on his promise to confirm its conclusions in parliament, was dissolved with mutual satisfaction, and the most public demonstrations of national joy⁹².

Parliament.

Whether episcopacy were condemned as repugnant to the constitutions, or as unlawful within the pale of a particular church, must appear an immaterial difference, unworthy to form an obstacle to a national settlement; yet on this minute distinction, the king refused his assent to the conclusions of the assembly, which the parliament was appointed by the pacification to confirm. Perhaps he was serious in his apprehensions, that episcopacy might be inferred from the Scottish, to be equally illegal in the English church; yet another consideration was more immediate and obvious; the constitution of a church might be altered and improved, but episcopacy once admitted to be unlawful, would never be restored. When the parliament assembled, its measures were well calculated to disconcert his designs. As if to obviate the secret nullity on which he relied, an act was prepared for the constitution of parliament, and instead of the absent prelates, the representatives of the lesser barons were substituted as the third estate. It was speciously maintained, as an obligation necessarily incurred by the treaty, that the acts of assembly, to be ratified by parliament, must be

⁹² Burnet's Mem. 158. Acts of Assembly. Rushw. iii. 957.

confirmed

confirmed by the king; but that his confirmation would be partial and insufficient, unless the temporal as well as spiritual powers of prelates were abolished; and that the parliament would be incomplete and null, unless a third estate were previously created, to supply the absence and abrogation of the spiritual peers.

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1639.

In the appointment of lords of articles, which the prelates had hitherto arrogated to themselves, it appeared that instead of a furious and blind fanaticism, the covenanters were actuated by a sincere attachment to constitutional liberty, tempered however with due moderation. They acquiesced for once in the commissioners' nomination of peers for the articles, but at the same time provided that the future appointment of that committee should be optional to parliament; that the members should be freely and separately chosen by their respective estates; that their powers as a committee, which were accurately defined, should extend to such articles as were remitted to their consideration, and if not again reported, might be resumed by the original proposer in parliament. Freedom of discussion was not only consulted; and the usurpation of a dangerous negative on debate prevented; but the uninterrupted meeting of the estates was secured, from the first day, when the parliament assembled to appoint its committees, to the last when the articles were approved and confirmed. It was the design of the covenanters to restore the constitution, if not to the ideal balance ascribed to the Eng-

Its proceedings.

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1639.

lish, to such freedom as a senate composed of hereditary and representative orders intermixed together, never fails if independent to confer. The benefit and the abuse of proxies were equally rejected; the admission of strangers unconnected with the country, as peers of parliament, was foreseen and prohibited; and they resisted an artful proposal of the commissioner, to replace the spiritual estate with lay abbots, whom their very nomination would have rendered subservient and devoted to the crown. Once at least within three years, they required a parliament to be held. They demanded that the abuses of the mint should be remedied, as the coin was daily enhanced or adulterated; that, to prevent an arbitrary augmentation, the rate of customs should be regulated and ascertained; and that the national fortresses should be entrusted as formerly, to natives chosen by the advice of the estates. A confirmation of the late assembly was prepared, together with the repeal of every statute to establish prelacy, but before a single article was reported to parliament, their career was interrupted by a sudden prorogation. The earls of Dunfermline and Loudon were dispatched to court, as commissioners to vindicate the acts, and to remonstrate against the prorogation of parliament, which the estates declared unprecedented and illegal without their own consent; but as a mark of obedience they agreed to disperse⁹³.

Nov. 14.

⁹³ Rescinded Acts of the Scottish Parliament. Burnet's Mem. 159. Crawford, MS. Hist. ii. 437. Rushw. iii. 992. 1015.

Before

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II.1640.
Renewal of
the war de-
termined.

March.

Before the arrival of the Scottish commissioners, the renewal of the war was precipitately determined in the English council, on the report of Traquair. The proceedings of parliament had furnished ample provocation, in the opinion of Charles, to produce or to justify a national quarrel, and to convince the English that it was no longer an episcopal war, originating from a devout or superstitious ritual, and waged for the preservation of episcopal power; but that a revolution in the government, and the destruction of regal authority were designed. The bigotry of Laud, and the violence of Wentworth, who asserted that the demands of the Scottish parliament struck directly at the roots of monarchy, overpowered the moderation of Hamilton and Morton; for to these four, under the name of the junto, the superintendence of Scottish affairs was entrusted. When the Scottish commissioners were admitted to an audience, their credentials were rejected as unsatisfactory, on the evasive supposition that an accommodation was solicited. But the vindication of the estates was pronounced by Loudon, who reminded Charles that the conclusions of the late assembly, in order to be confirmed in parliament according to the pacification, must necessarily be ratified by the king himself; represented that the confirmation would be ineffectual without the repeal of those statutes which had restored the prelates to their temporal authority, and that the parliament itself would be invalid, without the previous creation of a third estate; maintained that the lords of articles were

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were originally and properly an occasional committee, dependent on their respective estates for their election and powers: asserted that the regulation of the customs and coin was supported by precedents, or justified by the urgent necessity of the case; and explained the prohibition or the recall of proxies, patents of honour, and the national fortresses entrusted to foreigners, as requests to his majesty very different from an usurpation of his prerogative⁹⁴.

Pretext for
a war.

It was obvious that articles merely prepared for the consideration of parliament, before they were adopted, could afford no adequate reason nor pretext for the renewal of war. A letter was therefore produced by Traquair, which had been written before the pacification by Loudon; subscribed by seven of the chief nobility, and addressed (*au roi*) in the style appropriate to the French king, to justify their conduct and implore his assistance. The letter was without a date, and directed surreptitiously by a different hand; but from some impropriety of diction, never transmitted; or more probably rejected from an early resolution, to decline the open interposition of continental powers. The discovery revealed the secret resources of the Scots, and was aggravated as a transference of their allegiance to a foreign prince, and the introduction of a foreign force into Britain. Their commissioners were arrested, and it was believed that Loudon, the author of the letter, nar-

⁹⁴ Rushw. 1028. Nalson, ii. 82.

rowly escaped execution in the Tower. A warrant to behead him in the morning without a trial, was brought by Balfour, the lieutenant of the tower, to the marquis of Hamilton, who obtained access at midnight to the king's apartment, and with difficulty procured the recall of an arbitrary mandate, by an assurance that Scotland would be lost for ever⁹⁵. The fact appears to be more conformable to the precipitate counsels, than to the character of Charles, who was arbitrary but averse to the execution of a sanguinary measure.

The advantages expected from the letter were to be derived from its impression on the English parliament, which was summoned, after a long intermission, to support the war. But the commons were occupied with grievances, to which the consideration of supplies was postponed; the letter was utterly disregarded; and the Scots were relieved by the abrupt dissolution of this short parliament, from their apprehensions that it might be induced to co-operate with the court. Other expedients were therefore adopted to procure supplies; four subsidies were advanced to Strafford by the Irish parliament; a benevolence was granted by the English convocation; subscriptions were raised at court, or extorted from the merchants, nor however productive of discontent, were former

Preparation
by Charles.
April.

⁹⁵ Birch's Enquiry into the Transactions of Glamorgan. App. 373. The tradition is alluded to in Burnet's Memoirs, and mentioned with aggravations by Oldmixon on the authority of the Duke of Hamilton, and by Scott of Scotstarvet, a contemporary, in his Staggering State of Scots Statesmen.

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II.

1640.

Scottish
parliament
meets.

illegal exactions intermitted. Instead of Arundel; Essex, and Holland, whose capacity or whose zeal was suspected in the last expedition; the earl of Northumberland was appointed general, the earl of Strafford lieutenant, lord Conway general of horse, and while the levies were slowly completed, the plan of the former campaign was revived⁹⁶.

Neither the designs of Charles, nor the early resolution of the English cabinet to recommence hostilities, had escaped the jealous observation of the tables. Suspicious even in disbanding their army, that the pacification was insincere, they had retained the officers as countrymen who had resigned their rank and emoluments abroad, to whom a grateful subsistence was therefore due. The country was stored with arms, and assured, that on the first appearance of danger, the foldiers would return to the banners of the covenant, they remained in quiet expectation that the parliament would re-assemble when the prorogation had expired. A second prorogation which they were disposed to condemn, was disappointed by the omission of a warrant from Traquair, who was afraid to revisit the kingdom as commissioner. Four persons were empowered to prorogue the the parliament; but the lords Elphinston and Napier refused to officiate without his authority; the lord advocate and justice clerk protested against them; and the estates proceeded in their parliamentary capacity to the choice of a president⁹⁷.

June 1.

⁹⁶ Rushw. Nalfon. Conway's Narrative.⁹⁷ Burnet's Mem. 160-6.

The articles already prepared were adopted. BOOK
II.
1640.
Its acts.
The constitution of parliament was secured by the creation of the third estate; its independence was preserved by the free election of the lords of articles, without which, every popular acquisition was deemed precarious, and constitutional liberty must have remained insecure. But the independence of parliaments was in vain consulted, unless their disuse was prevented; and it is observable that the first statute for triennial parliaments originated in Scotland. Such arbitrary proclamations were declared illegal, as enjoined obedience under the penalty of treason; a prerogative unknown in Scotland, till assumed by James in imitation of the Tudors. The privy council was rendered subordinate and responsible to parliament; the temporal and spiritual powers of the hierarchy were abolished; and the conclusions of the late assembly confirmed. A tenth of rents, and the twentieth penny of interest were imposed as an assessment for the defence of the country; and before the parliament adjourned, a committee of estates was selected to superintend, at the camp and in the capital, the operations of war. The royal assent, in which the statutes were still defective, was supplied by a bond to support the authority of parliament; and from the exigences of their situation, the executive power was transferred entire to the committee of estates⁹⁸.

As all trade was obstructed by English cruizers, Renewal of
hostilities. mutual hostilities had already commenced. The

⁹⁸ Rescinded Acts. Balfour's Annals, MS.

castle

BOOK

II.

1642

castle of Edinburgh, which had been repaired and garrisoned since the pacification, was invested by Lesly; the Highlands were restrained by Argyle with a train of artillery; and the king's friends in the north were suppressed by Monro, with the rapacity to which he was inured in the German wars⁹⁹. From the want of supplies, the preparations were retarded on each side till the close of summer; but the poverty of the Scots was relieved by the active emulation of all ranks. Their plate was brought to the mint; the wealthy contributed, or interposed their credit for loans of money; voluntary collections were raised at the churches; cloth for tents was provided by the women; and every difficulty was surmounted by a generous maxim, that the true sinews of war were a national cause, and soldiers not to be procured by money, but able to procure it wherever they were conducted. The approach of Conway to Newcastle, was the signal for their army to assemble at Dunfermline. Its force consisted of twenty-three thousand foot, three thousand horse, and a train of cannon, in which we distinguish a species of light leathern artillery, hooped with iron; first invented or employed by Gustavus; capable of sustaining twelve successive discharges, and so portable that two pieces were transported on the same carriage by a single horse¹⁰⁰. Their army remained

August.

⁹⁹ Rescinded Acts. Balfour's Annals. Baillie, 154. Spalding.

¹⁰⁰ This is evidently the artillery to which Burnet alludes, in his erroneous account of the Scottish Army, Hist. See Harte's Hist. of Gustavus.

three weeks on the borders, under the command of Lesly, improving in discipline, and refreshed by daily exhortation and prayer. Their transition from a state of internal defence, to an external, if not an offensive war, is ascribed to a letter to which the names of six English noblemen were forged by lord Saville; inviting the Scottish army to approach, and promising to co-operate in procuring a mutual redress of grievances. In their conferences however, with these noblemen, and with Pym and Hambden, the Scottish commissioners, during their residence in London, must have received such secret assurances of support, that without this forged invitation, the committee of estates would have chosen to transfer the war into England¹⁰¹. In the declarations that preceded their march, they were chiefly solicitous to vindicate their expedition as strictly defensive; as requisite at least where their trade was intercepted at sea, and their country ready to be invaded by land; not directed, however, against the English nation, but against the popish and arminian prelates who surrounded the throne, and at whose instigation, hostilities and an exterminating invasion were renewed¹⁰².

Before the king's forces were entirely collected, they crossed the Tweed, and advanced without opposition from Coldstream to the Tine. At Newburn, the passage of that river was disputed by

August 22.
Expedition
of the Scots
into Eng-
land.
August 22.

¹⁰¹ Burnet's Hist. i. 34. Clarend. i. 135. Rushw. iii. 1037. Whitlock, 31. The letter is inserted in Oldmixon's Hist. 141.

¹⁰² Rushw. iii. 1223. Appen, 183.

BOOK

II.

1640.

Disperse the
English at
Newburn.

Conway, from batteries erected on the opposite bank; but a detachment of six thousand horse and foot, was found insufficient to resist the Scots. Their general first requested permission to pass; then on a shot from an English centinel, their artillery unexpectedly commenced such a severe fire that the batteries were abandoned. The general's guards, a troop consisting entirely of lawyers, crossed the river with a thousand musketeers, to seize the batteries; and on advancing in pursuit of the foot, were encountered by the English cavalry arranged for their reception. But the latter, disordered by discharge of artillery, instead of protecting the retreat of the infantry, retired to an eminence, and when attacked by Lesly, deserted Wilmot their commander, and spread confusion through Conway's reserve. The loss was inconsiderable, but their standard and three commanders were taken; and the rout was so complete, that the cavalry retired to Durham, and the foot to Newcastle, from which the whole army retreated into Yorkshire next day ¹⁰³.

Siege New-
castle.

The victory was the more opportune for the Scots, as their provisions were exhausted. Their army obtained immediate possession of Newcastle, Tinemouth, Shields, and Durham; of large magazines of arms and provisions, and of the counties on which London is dependent for coals. The

¹⁰³ Rushw. 1236. Baillie, i. 203. Lord Conway's Narrative in Hardwick and Hailes. Of the English, about sixty were killed and three hundred taken prisoners; of the Scots, about twelve.

engage-

engagement happened on the day appropriated in Scotland to a solemn fast for the success of their arms; and as the castle of Dumbarton had surrendered, and an incursion from Berwick was repelled with loss, on the same day, by the earl of Haddington, the coincidence of these events was received as no doubtful indication of divine aid. By the explosion of a magazine of powder at Dunglas, the earl of Haddington was buried, with his attendants and friends, in the ruins of the castle; but the assurance in the protection of heaven revived, on the surrender of Edinburgh castle, which was compelled by famine to capitulate after a gallant defence ¹⁰⁴.

B O O K
II.
1646.

No sooner were the Scots established in the northern counties, than they resumed their petitions, as if unwilling to deviate from their accustomed moderation. In the extremity to which the king was reduced, he had retired with a mutinous army, from Northallerton to York, where he summoned a council of peers to meet, and referred to their consideration the petitions and the expulsion of the Scots from England. A treaty was proposed as the only means to prevent their advance; a parliament was requested and appointed to be held, and sixteen noblemen, eminent both for their popularity and their rank, were suggested by the council to negotiate with the committee of Scottish estates. The treaty commenced at Rippon, and

Sept. 2.
Treaty at
Rippon.

¹⁰⁴ Baillic, i. 205—8. Balfour's Annals.

B. O. O. K
II.

1640.

when some of the English expostulated in private at the reserve of the Scottish commissioners, who resented their caution, the invitation forged by Saville, to march into England, was produced and detected¹⁰³. A secret understanding undoubtedly subsisted between the commissioners, who studied apparently to prolong the treaty, and to retain the Scots in arms till the approach of parliament. The month of October was consumed in adjusting preliminaries. The most material was a cessation of arms, the most difficult preliminary was a daily subsistence to the Scottish army, without which they represented, that as it was impossible to advance during the dependence, and imprudent to retire till the conclusion of the treaty, a suspension of hostilities would be worse to them than a continuance of the war. In order to exempt the four northern counties from their contributions, the daily sum of eight hundred and fifty pounds was allowed for their subsistence; a loan of two hundred thousand pounds was obtained by the credit of the peers; and Charles, the sovereign of two nations involved in a reluctant war, was reduced to the singular necessity of supporting two hostile armies at once in the field. But his councils were distracted; and as his army was unequal even to a defensive war, the truce was necessary to restrain the Scots

¹⁰³ Burnet's Hist. Nalson, ii. 427. Heylin's Life of Laud, 84.

to the counties which they occupied beyond the
 Tees. At the request of the English commissioners,
 whose attendance was requisite in parliament, the
 treaty was transferred to London by an error
 which he was never afterwards able to retrieve ¹⁰⁶.

BOOK
 II.

1640.
 Transferred
 to London.

¹⁰⁵ May. 75. Clarend. i. 140—54. Rushw. 1236. 1310.

the first of these is the fact that the
 second of these is the fact that the
 third of these is the fact that the

4

THE HISTORY OF SCOTLAND.

BOOK III.

Discontent of the English, and transactions of their long Parliament.—Negotiations and Treaty with the Scots concluded.—King's journey to Scotland. Accommodation there.—Irish massacre—Secret policy of the King, and of the English Parliament, explained from the History of Scotland.—Origin of the civil wars.—Mediation of the Scots—rejected.—Their accession to the English Parliament.—Solemn League and Covenant.

LOYALTY, even in the extreme, is esteemed by some an innate principle so congenial to humanity, and by others regarded as such an inveterate prejudice, that the sudden transition of a people from submission to resistance, may excite surprise. But the Scots were seldom distinguished

BOOK
III.

1646.
Discontents
in Eng-
land.

BOOK

III.

1640.

for loyalty; and in England, where the accession of the Stewarts was a recent event, a foreign race had inserted no permanent root in the soil; nor acquired that general, submissive attachment, which an hereditary succession, long established, never fails to inspire. Since the expulsion of the Baliols, the civil wars of Scotland were invariably a contest with the sovereign, to circumscribe, yet not entirely to extirpate monarchy; but in England they sprang from the ambition of rival families; and from the claims of different competitors for the crown. But the character of the people had now sustained a material change. The accumulated abuses of two reigns demanded an extensive, and prompt reform. The grievances of the two kingdoms were nearly similar; and a similar remedy was suggested by the successful example of the Scots. The nation expected redress from a parliament summoned in consequence of the king's necessities; the parliament depended for its duration, on the friendship and co-operation of the Scottish army; and the patience with which the English acquiesced in a disgraceful invasion, affords the strongest proof of the disgust which an arbitrary reign had excited.

Long parliament.

Nov. 3.

In requiring assistance to expel the rebels, an expression which he endeavoured afterwards to soften and extenuate, Charles, at the opening of the parliament, appears to have formed a very inadequate estimate of his own situation, and the spirit of the times. The uniform policy of his whole reign to divide the nation; to discredit and suppress the religious, who were averse to the discipline

cipline or rites of the church, and the political puritans, attached to the principles of civil liberty, had united and instilled into those parties, an incurable animosity against his government. The presbyterians, a numerous and formidable party, coalesced with the majority of a discontented nation; and on the election of the commons, the most pious and patriotic members were returned to parliament. The first care that ingrossed their attention, was an examination of grievances; the result was an immediate impeachment of Strafford. That unfortunate statesman, who had hastened to parliament to impeach the popular leaders of a correspondence with the enemy, was not less obnoxious to the English from his early desertion of the popular cause, than to the Scots, from his active instigation of the war. As lord lieutenant of Ireland, he had anticipated the king in proclaiming them traitors, and extorted by an arbitrary oath, a disavowal of the covenant from their countrymen in Ulster; procured large subsidies from the Irish parliament, and collected an army that menaced their coasts and distracted their operations. His aversion to the late treaty was so violent, or so vehemently resented, that the Scots refused to transfer the negotiations to York, where Strafford their implacable enemy enjoyed the supreme command¹.

BOOK
III.
1640.

Impeachment of
Strafford.

Their commissioners, Rothes, Loudon, Johnston, and others, were sent to London to conclude

Reception
of the Scotch
commissioners.

¹ Rushworth, viii p. 1293. iv. 494. v. 12. 17. Strafford's Letters, vol. ii. Clarendon, i. 175. Sanderfon, 337.

the treaty, and received with the most flattering attention and respect. A house was appropriated in the city for their residence: the adjacent church of St. Antholin's was assigned for their devotions. They were attended by Henderson, and other eminent divines; and from dawn till the sabbath was concluded, their chapel was crowded and surrounded with multitudes of all ranks, whom the novelty of presbyterian worship had attracted. The conflux and insatiate resort of the people, who clung to the windows when excluded from the doors, to inhale the sanctified tone, and provincial accents of a barbarous preacher, has been justly ascribed to the fanatical spirit that began to predominate, which rendered them apt recipients for the fumes of devotion². Their propensity to the presbyterian worship had suffered a long and severe restraint. The tide recurred with proportionable violence, with a fervor that presaged an important change. Such is the intolerant genius of religion, that although irreconcilable to the conformity which their monarch demanded, and in arms to oppose it, the Scots had aspired in their turn to a different conformity; the adaptation of the English church to the model of their own. Their abhorrence of the hierarchy was neither a local passion, nor confined to Scotland. Not satisfied with an honourable situation that enabled them to vindicate the liberties of England, unless the true religion were also restored, they combined with the puritans to reduce the prurience, or to extirpate even the roots of

² Clarendon, i. 189. Hume, ch. 54. Baillie, i. 242.

episcopacy; and to convert the decayed trunk into a fair platform of presbyterian equality. The petitions of the clergy and citizens of London, to abolish episcopacy root and branch, were promoted by the writings and exhortation of their divines. But their zeal was more particularly conspicuous in the treaty, where they urged as the basis of a permanent concord, an unity of religion, and uniformity of ecclesiastical government in both kingdoms, and recommended their own, as the approved model of a presbyterian church³.

The treaty advanced with a slow pace, as if studiously protracted by the jealousy of the Scots. Sensible of their error at the pacification of Berwick, they rejected those verbal assurances with which they were once deceived, and requiring every communication to be reduced to writing, refused to negotiate in the presence of the king⁴. Their demands consisted of eight articles; that the acts of their late parliament should be published in his majesty's name; that the national fortresses should be conferred on natives with the consent of the estates; that their countrymen in England and Ireland should be released from oaths inconsistent with the covenant; that public incendiaries, the authors of hostilities between the kingdoms, should be remitted to the judgment, nor exempted afterwards from the

Treaty at
London.

³ Clarendon, i. 218—53. Rushworth, v. 368.

⁴ Collection of papers concerning the treaty at Newcastle and London: Wodrow's MSS. vol. xxii. folio; in the Advocates' Library.

BOOK

III.

1640.

sentence of their respective parliaments; that their ships and goods should be restored; the damage repaid, and that the nation should be indemnified for the losses and heavy charges sustained from the war; that all opprobrious proclamations should be recalled; and that the religion and liberties of the nation should be secured by a permanent and beneficial peace. The tacit confirmation of the late acts, and the punishment of incendiaries, were the articles to which it was most difficult for Charles to accede. The former comprehended almost every civil and religious demand; the latter implied the surrender of his ministers to public justice. Unable openly to oppose the repeal of episcopacy, of the lords of articles, or the free operation of national justice, he requested in vain that the Scots would adhere to their original demand at Berwick, nor solicit more than the enjoyment of their civil and religious rights. Tenacious of the minutest articles, they represented to the English commissioners, that their situation was very different since the renewal of hostilities, which it would be impossible to prevent in future, unless additional securities were provided, and an adequate punishment were inflicted by parliament on the authors of the war. The king was reluctantly compelled to assent³; and the first fruits of the negotiation were two accusations, preferred to the English parliament against Strafford and Laud. They had some foundation for their accusation against Laud, who had usurped a patriarchal authority over the church, and from

Dec. 15.

³ Wedrow's MSS. vol. xxii. folio.

whom

whom the liturgy and canons had originated, the source of their discontent, and the sole cause of their recourse to arms. Against Strafford as a commander, no ground of accusation existed, unless it were criminal to prosecute a war undertaken by his sovereign. But the war itself must be ascribed to his, and to Laud's instigation. Its renewal was productive of every subsequent misfortune to Charles, and constituted a principal charge against his ministers, whom the Scots denounced as the prime incendiaries, and authors of hostilities between the kingdoms. Under the same name of incendiaries, the prelates and the principal statesmen of Scotland, were reserved for the vindictive justice of their own parliament; but the marquis of Hamilton, a wary politician, had availed himself of the king's permission, to assume the character and language of a covenanter, in order to penetrate into their designs; and by the release of Loudon, had disarmed their resentment, and secured their esteem⁶.

The indemnification demanded for an unprovoked war, was referred to parliament, and as the damages sustained at sea, as the charges incurred during two campaigns, were minutely enumerated, if not much exaggerated, an enormous sum of five hundred thousand pounds was accumulated in the account. But the Scots declared, that as they

1641.
Brotherly
assistance.

⁶ Wodrow's MSS. vol. xxii. folio. Nalfon, i. 681. Burnet's Mem. 148-71. Clarendon, i. 152-89. Hardwick's State papers, ii. 141.

had

BOOK
III.

1641.

Feb. 3.

Strafford's
attainder.

had undergone the whole danger from the common enemy, and had it not far exceeded their abilities, would have cheerfully supported the whole expence, so they expected nothing more than a proportionable compensation for such losses as the poverty of their country was unable to sustain⁷. Their assistance against the common enemy, the popish and prelatical faction, was still requisite; and the parliament acceded to their demand, as a pretext to gratify and at the same time to retain them in arms. Three hundred thousand pounds were voted as a fit proportion, and a friendly assistance; towards the losses and distresses of their brethren the Scots; but while the funds for this *brotherly assistance* remained unprovided, the parliament entertained no apprehension of their departure, or of a speedy conclusion of their treaty with the king⁸.

While the treaty was thus protracted, the fate of Strafford was determined in parliament. An endeavour to subvert the fundamental laws, was a species of constructed treason unknown till then; and established on facts which were either indifferent in themselves, or insufficient separately to constitute such crime. Whether from the novelty of the accusation, or the defective nature of the evidence, a bill of attainder was necessary to attach his devoted head. Charles, who according to the ordinary dispensation of justice, might have remained

⁷ Wodrow's MSS. v. xxii. and Sanderfon, 355. where the account is inserted.

⁸ Rushworth, v. 169. Baillic, i. 240.

a silent spectator of his fate, was reduced by the bill of attainder to the cruel alternative, of becoming accessary to the death of a favourite minister, endeared by his services, or of involving himself in a rupture with parliament, and in a civil war while unprepared for the event. As a constitutional precedent, the attainder of Strafford is surrounded with difficulties. Were an act declaratory of treason to be restrained on the one hand, within the limits of established law, a statesman secure from the stroke of justice might conspire with impunity to subvert the fundamental laws of the constitution, which implies no treasonable design against the crown: yet on the other an act declaratory of new crimes might ultimately recoil on the people themselves; and a servile parliament might indulge the ambition or resentment of a minister by the attainder of every opponent whom he hated or feared. The evidence against Strafford was defective however, as it indicated an advice rather than a concerted design to render Charles independent of parliament; but as mercy is not the attribute of collective bodies, he suffered without legal evidence, from the violence of his accusers, and the secret conviction or fears of his judges. The apprehensions of his escape if the trial were interrupted, appear to have first suggested the bill, to prevent the dissolution of parliament without its own consent*.

When the redress of grievances was partly accomplished by the English parliament; when the

Treaty concluded.

* Rushworth, v, 293,

B O O K
III.

2641.

star-chamber, high commission, and other arbitrary courts were suppressed or regulated; monopolies, shipmoney, and every illegal exaction abolished, and triennial parliaments were ordained to be held, (measures which historians partial to monarchy, have pronounced beneficial,) the treaty was accelerated by the king's resolution to revisit Scotland. At first he was hardly serious in the treaty, when he expected assistance from an indignant parliament, to repel an invasion which was neither unexpected nor unwelcome to the nation. Disappointed in his design to persuade the English army to march against parliament¹⁰, he endeavoured by every allurements to conciliate, and detach the Scots from the popular cause. The promise of a rich marriage, and an office in the bed-chamber, had operated on the versatile genius of Rothes; but the most secret political apostasy is soon suspected, and the importance of a popular

¹⁰ Historians distinguishing between a plan to *gain over*, and to bring up, the army, have acquitted Charles of the latter, as the vicinity of the Scots must have rendered it impracticable. (Hume, ch. 54.) But it is obvious that the army must have first been gained over before it was brought up, which was the only method to render the army serviceable when gained. A part would have sufficed to march against parliament, while the main body remained to oppose the Scots. By counter-signing the petition of the officers, Charles expressed his approbation of the first part of the plan. The other was a necessary consequence, and the petition inserted in Clarendon sufficiently intimates this last design. "For the suppressing of tumults and securing the king and parliament from such future insolencies, &c. to wait upon him," That is to march directly to London. Clarendon, i. 244.

leader is lost on his defection". The treaty suffered little alteration from his change. The prosecution of incendiaries, the Scottish prelates and officers of state, was ineffectually resisted. The prelates might be abandoned, for they had no hope of return; the offences of the inferior statesmen were not productive of such popular indignation; but the king was interested in the preservation of Traquair, by every motive of gratitude excited by his former services, and compunction at the recent execution of Strafford. He threatened to retaliate, by reserving an equal number of the commissioners themselves from the act of oblivion; but at length the prosecution of incendiaries was referred to parliament; their punishment was tacitly reserved to the king; and it was understood that they should be removed from his person, and excluded from every office of emolument and trust. The remaining articles were easily adjusted. A fourth of the brotherly assistance was advanced; the rest was to be discharged in equal moieties within two years; ecclesiastical conformity was referred to the English, official arrangements to the Scottish parliament; and on the refusal of the king to defer his departure, the commons, jealous of his intentions and personal influence, ordained the arrears to be provided, and the armies mutually disbanded or withdrawn¹¹.

BOOK
III.
1641.

August.

¹¹ Burnet's Memoirs, 184. Hist. i. 38. Clarendon's Hist. i. 280. Lord Hailes' Memorials and Letters, 11. 136.

¹² Lord Hailes' Memorials and Letters, 120—30. Burnet's Mem. 132. Baillie, i. 228. Rushw. v. 361. Clarendon, i. 280.

The

BOOK
III.1647.
Defection of
Montrose.His in-
trigues and
accusation
against Ar-
gyle.

The Scots, in consequence of a solemn obligation inserted in their covenant, to abstain from separate, or *divisive* measures, had hitherto preserved a degree of union perhaps unexampled, to which they were principally indebted for their past success. But for an opportune discovery, that union was almost dissolved. Impatient of a superior, and conscious of military talents unmarked by his countrymen, Montrose was unable to brook the pre-eminence of Argyle in the senate, or of Lesly in the field. His expectations of the supreme command were disappointed; and at Berwick, the returning favour of his sovereign had regained a nobleman, originally estranged from the court by neglect, and detached from the covenant by secret disgust. His correspondence with Charles was detected during the treaty of Rippon; and a bond or counter association was discovered, to which he had procured the subscription of nineteen peers. The committee of estates were averse to division, and disposed to rest satisfied with the surrender and formal renunciation of the bond¹³; conciliatory measures were disappointed by a report which Montrose had propagated, injurious to Argyle. Stewart, commissary or judge of the consistorial court of Dunkeld, was produced as his author, according to whose information, Argyle, in the presence of the earl of Athol, and eight others his prisoners, declared that the estates had consulted divines and lawyers, and intended to proceed to the deposition of the

¹³ Burnet's Mem. 178. Baillie, i. 203—10. 313.

king. An allegation so little reconcilable with his characteristical prudence, was susceptible of a complete and immediate proof. But the fact was denied by the witnesses present, and retracted by Stewart, who was arraigned and convicted on a train of statutes which were sanguinary then; and to the alternative of confirming the public report that he had been induced to retract the charge by an assurance of life, Argyle inhumanly preferred the execution of those iniquitous laws on which Balmerino was condemned¹⁴. Stewart's information had been secretly transmitted by Montrose to court; but the messenger, on his return, was intercepted by Argyle. Whether the facility with which the king might assume the command of the army, or acquire an ascendancy by his presence in parliament, was suggested by Montrose, the discovery of an obscure correspondence in cypher excited a general alarm. The king, on his arrival in Scotland, had the mortification to find that Montrose and his friends were imprisoned in the castle, and that the detection of the *banders and plotters* had exasperated the prosecution against incendiaries¹⁵.

The present was very different from his former visit, when in the plenitude of uncontrolled power, and amidst the splendour reflected from a brighter diadem, he accepted the obscure crown of his ancestors, after a firm possession of the sceptre dur-

Arrival of
Charles in
Scotland.

¹⁴ See NOTE VI.

¹⁵ Id. Burnet's Mem. 184. Guthrie's Mem. 89. Baillie, i. 320. Spalding, 288. Arnot's Criminal Trials, Rushworth, v. 290.

BOOK
III.
1641.

ing eight years. His journey conducted him through an army of rebellious subjects, whose generals he affected to caress, without attempting to assume the command. His reception, however honourable, was from those whose arms had nearly subverted his throne; but whose attachment he must now cultivate as its last support. While he meditated on these sad vicissitudes, the causes and the consequences were present to his view, and his experience of the bitter fruits of insincerity in the former pacification, affords at least a presumption that the present was sincere.

Parliament.

His address to parliament was cordial, though expressive of early prepossessions. He regretted the jealousies which he proposed to remedy, and the distractions which he came in person to remove. Whatever he had promised, he professed his resolution to accomplish cheerfully, in the most ample form, for the public satisfaction; and in return, claimed the allegiance of his subjects to the supreme authority, transmitted entire through an hundred and eight generations of kings. As a voluntary demonstration of his zeal and sincerity, he prepared to ratify the acts of the preceding session; but the estates were cautious and inflexible in maintaining their former validity, and the treaty required no more than their promulgation in his name^a. When the treaty was confirmed, the tranquillity of both kingdoms was consulted by provisions reciprocally adopted: 1. That neither should declare war against the other without due premonition, nor

^a Balfour's Journal of Parliament, p. 45. MS. Advocates' Library.

without the previous consent of parliament:

2. That assistance should be mutually furnished to each parliament, to prevent invasion or to suppress internal commotions: 3. That during the interval between triennial parliaments, commissioners should be entrusted with the conservation of peace. The first provision was salutary, and at an earlier period might have prevented the war; the second led to the interposition of the Scots in the dissensions of England, and the third produced an entire suspension of regal power. Scotland, perhaps for the first time, beheld a parliament, whose deliberations from the single day to which they were formerly limited, were prolonged for months, and pursued without interruption in the presence of the king. And the lesser barons, hitherto restrained to a single suffrage for each county, assumed for the first time, each a separate and independent vote¹⁷.

BOOK

III.

1641.

Official arrangements had been reserved by the treaty for consideration in parliament; and in consequence of the death or the prosecution of incendiaries, the chief offices of state were vacant. But the parliament was unwilling to relinquish the prosecution of incendiaries; and in the choice of ministers, the king was justly tenacious of his last prerogative. It was the chief sinew he asserted of government; a prerogative never once contested in England, and established in Scotland by long possession. The covenanters were actuated, however, by a patriotic desire to render the government independent of the English cabinet, to which

Prosecution
of incendi-
aries.

¹⁷ Supra, p. 30. Rescinded Acts. Baillie, i. 328.

BOOK
III.

1642.

Officers of
State.

the ministers, since the accession, had ever been subservient, and the interests of the country had been uniformly sacrificed. By a mutual *accommodation*, the number of incendiaries was reduced to five; Charles submitted to the appointment of ministers judges and privy counsellors, with the approbation or consent of the estates while sitting, and of the privy council when the estates were adjourned or dissolved. The parliament agreed in return, to release the incendiaries and plotters from prison, and to refer their trial to a committee during the recess, and their sentence to the king. The choice of ministers was productive of new disputes. Argyle and Loudon were equally qualified by their talents and learning for the office of chancellor, but the latter was preferred. The earl of Lanerk continued secretary, Roxburgh lord privy seal, and the treasury was put in commission, as the king was averse or afraid to aggrandize Argyle. Eight were rejected from the list of counsellors. The president and three judges, accused or suspected of malversation, were removed from the bench, to which Johnston was promoted by the title of Wariston, and when the administration of justice was resumed, the judges presided alternately, by rotation or choice. The chancellor was the only officer of state who retained an official seat, or a double vote in the deliberations of parliament; and the offices conferred by the advice of the estates, were confirmed during good behaviour or life¹⁸.

¹⁸ Supra, p. 30. Balfour's Journal. Monteith of Salmon's Hist. p. 79.

It was amidst these internal regulations, that intelligence of the Irish rebellion was received. Insurrections directed in Scotland to the preservation of civil and religious liberty, though inflamed by enthusiasm, had subsided with little bloodshed, and without devastation; but the insurrection in Ireland was excited by motives of the most debasing superstition, the most insatiate rapine, and the most inhuman revenge. The English in general were stripped and despoiled of their invidious acquisitions; their cattle were seized and their plantations ravaged; but in Ulster the defenceless protestants dispersed and disarmed, were involved in an indiscriminate massacre, or excruciated by the more inhuman tortures of a protracted death. No rank was excepted; no age nor sex was respected or spared. Neither the rites of social intercourse, nor the ties of consanguinity and friendship, afforded protection; for the dearest connections of nature were dissolved. The son received the same death with the father, for whose life he implored. The supplicating mother beheld her innocent offspring butchered in her arms, and transfixed by the same stroke, expired on the body of her murdered husband. Many hundreds were precipitated into the stream, or enclosed in their habitations and consumed with flames. Some were buried alive; others manacled in dungeons, or mangled on the highway, were abandoned by a fate not less cruel, to hunger and despair. A submissive resignation, and a determined resistance were alike unavailing; the few who ventured to resist were disarmed by

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Irish massacre.

October.

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a perfidious assurance of safety, and securely murdered. Were not the torments well attested which an inventive and frantic cruelty delighted to inflict, they might exceed belief; but when children were induced by a false promise of life, to imbrue their hands in the blood of their parents, when mothers were compelled to extinguish their offspring, and wives to assassinate their devoted husbands; atrocities are suggested which no generation had ever witnessed, and from the recital of which the soul recoils. A horrible devastation, such as the most barbarous nations have rarely inflicted, was excited by innate cruelty, religious frenzy, and prolonged by the contagious example of revenge. The women, infuriate from superstition, contributed to stimulate the ferocity of their male associates, and the very children were incited to infant slaughter, and inured to bloodshed¹⁹.

Scots in
Ulster pre-
served.

When the province of Ulster was transferred by Tyrone's rebellion to the crown, the lands were distributed among private adventurers, on condition that tenants should be transplanted thither from England or Scotland. Whether procured at

¹⁹ Temple. Rushworth, v. 405. It is observable of Curry and Warner, who endeavour to extenuate or rather to transfer the guilt of the massacre to the protestants, that they avert their eyes, on the most frivolous pretexts, from their original depositions preserved in Trinity College Dublin. Admitting that the Irish were oppressed by Strafford, as I believe they were, religion or liberty may be too dear, when purchased at the expence of our moral virtues. Curry's Review, and Warner's Hist. of the Irish Rebellion.

a cheaper.

a cheaper rate, or impelled by a stronger spirit of adventure, the Scots had multiplied from a rapid influx to a number variously estimated at eighty or an hundred thousand of each sex, or at forty thousand fit for arms²⁰. The Irish, apprehensive of their numbers, endeavoured at first to secure their neutrality, and under the pretext of a common origin, affected to spare and preserve the Scots. But the design to extirpate every protestant intruder was incompatible with their preservation, and as rigid puritans, they were heretics doubly odious to the catholics, and accursed of God. A short respite had enabled some to withdraw from a devoted country; the rest retired to places of strength for protection, and when exposed in their turn to the same sanguinary desolation and massacre, they maintained their situation till relieved from Scotland. But the ill-fated English colonies, unwilling to relinquish, and attempting separately to defend their habitations, were either exterminated or expelled from Ulster.

When the first information was transmitted to Scotland, neither the magnitude nor the enormity of the rebellion was known. The parliament was advertised by Charles, that some commotions of an uncertain extent had appeared in Ireland, but unless abetted by the catholics of England, that they were neither formidable, nor likely to be foisted by continental powers. On this occasion

Assistance
offered by
the Scots.
Oct. 28.

²⁰ Strafford's Letters, ii. 195. Carte's Life of Ormond, i. 177.

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the Scots were represented²¹ as indifferent to the remote fate of religion, where no faction nor interest contributed to stimulate their zeal. The danger was no sooner discovered, than the parliament offered three thousand stand of spare arms, and an army of ten thousand men, for the relief of Ireland; which, if timely accepted, might have proved a sufficient force to suppress the insurrection. But the Scots were destitute of any permanent resources. It was equally difficult during the winter season, and in a wasted country, to transport or to sustain such a numerous army; and without the interposition of the English parliament, no provision could be made for its reception or support. A regiment of fifteen hundred men, that remained undischarged, was dispatched to Ulster; but the prosecution of the war, and the succours proffered by the Scots, were referred by Charles to the English parliament, and, in consequence of their mutual jealousies, retarded and reduced.

King's re-
turn to
England.

As his departure became indispensable, the accommodation was concluded; nor were the graces forgotten. Argyle was created a marquis;

²¹ From an imperfect report in Rushworth of the proceedings of their parliament. On the first imperfect intelligence from lord Chichester, Charles informed them that if the insurrection proved, as he thought, but a small matter, then there was little use of their supply. On this, the resolution inserted in Rushworth (v. 407.) was adopted. On more complete information from the Irish justices, three thousand stand of spare arms, and eight regiments of ten thousand men, were instantly offered. Balfour's Journal, MS. p. 128—43.

the

the lords Loudon and Lindsay, were raised to dignity of earls; and the same rank was conferred on Lesly, by the style and title of earl of Leven. The promotion of Rothes was intercepted by his untimely death; and Balmerino, as if ungrateful for a life unjustly forfeited, was almost the only person neglected by the king. Episcopal revenues were dispensed with a profuse hand. An inconsiderable portion was reserved for the church, to which he had affected strictly to conform, and distributed among the clergy whom he was desirous to gain. On the eve of his departure the parliament was dissolved, and another, pursuant to the act for triennial parliaments, was ordained to meet within three years²².

B O O K
III.
447.

Parliament
dissolved.
Nov. 17.

On a review of this memorable parliament, its transactions are to be connected with those of the tables, and two covenanting assemblies, whose lay-members were nearly the same. The religious grievances from which the resistance of the tables originated, were removed in the assemblies, but the remedy was neither complete, nor of great importance, till civil liberty was established by parliament. The defensive war undertaken by the tables was resumed successfully under its auspices; and its arms restored the English to their constitutional rights, and returned enriched by their exuberant bounty. Its example was adopted in the restraints imposed on the prerogatives of the crown, and the provisions made for liberty may

Review of
its trans-
actions.

²² Balfour's Journal, MS. p. 128—43. Baillie, i. 334. Rescinded Acts.

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be estimated from their salutary introduction into the English constitution. Abuses peculiar to Scotland were removed by suppressing the lords of articles, and creating a third estate in lieu of the prelates. But the abrogation of the high commission, the prohibition of arbitrary proclamations, the regulation of the privy council, and the institution of triennial parliaments were happily transferred into the English constitution, and while their importance merits our applause and gratitude, may convince us that the principles of political liberty were neither unknown, nor the covenants immersed entirely in the sordid gloom of religious zeal. The interposition of parliament in the appointment of the judicial, and of the ministers entrusted with the executive power of the state, has been justly censured as a measure that served to disarm, and in a manner to dethrone the king²¹. It was justified by the laudable and patriotic motive of rendering the government independent of the English cabinet; and supported by precedents derived from the variable forms of an unsettled constitution, which was always turbulent, and therefore free. At present it may be explained, as little else than a constitutional control on the choice of ministers which resides in the crown. According to the theory of a limited monarchy, an administration not unacceptable to parliament, is appointed by the sovereign; but in practice, the harmony between these independent powers is derived from a more impure and ignoble source.

²¹ Hume, ch. 55.

The executive either absorbs the representative and deliberative body, or is itself absorbed. The ministers, on whom the whole executive power for the time devolves, are imposed on the prince, and indirectly created by an independent, imperious parliament; or the parliament itself is created by the influence of administration, and retained in a state of absolute dependence on the executive power. But the hereditary and representative orders of the Scottish parliament, intermixed together, and incapable of the nice adjustment of affairs of state, solicited a positive law to secure the necessary existence of a constitutional control. To those already possessed of the whole government, the accommodation appeared rather a dereliction of their actual power, than the acquisition of new immunities; and the security of parliament was therefore demanded for the portion of power which was still retained. But they neglected to remove the radical defect of their constitution, the assemblage of peers and commons in the same house; without the separation of whom into two chambers, or distinct senates, no constitution is secure against the ascendancy, violence, or corruption of a single order of the state.

After the depression of the barons in England, while the commons, during the Tudor dynasty, were yet unimportant, there was properly no constitutional control on the crown. But when the commons ascended, on the present reign, to independence and power, the king was averse or unable to accommodate to the times, and submitted with

Policy of
Charles,

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III.

3642.

with impatience to a branch of the constitution which he had hitherto despised. His future misfortunes must be deduced from an obstinate, inflexible refusal to resign the administration to the popular leaders, or to receive a ministry from an untractable parliament. A feeble negotiation for the introduction of Pym, Hambden, and Hollis into office, had been interrupted by the death of the earl of Bedford; and from circumstances imperfectly explained by historians, never resumed²⁴. For the preservation of Strafford, he was content to yield to a partial change, but to resign himself entirely to a new administration imposed by the commons, was a novelty at which his prejudices and principles of government revolted. The same constitutional measure to which he had submitted in Scotland, was an easy remedy and an obvious satisfaction, ever due to a discontented people. His ministers were driven into exile, or displaced; yet when Laud was imprisoned and Strafford executed, he persisted to govern by means of inferior agents, destitute of energy or credit with parliament; and instead of committing the administration to the prevailing party, he endeavoured merely to seduce its adherents.

And of the
English
parliament.

It is to this mistaken policy that we must ascribe the surviving discontent of the commons, and every future disaster that attended his reign. Their leaders had secretly undertaken to restore the revenue when admitted to power, and even to gra-

²⁴ Clarend. i. 210. Parl. Hist. ii. 382.

tify the king by the preservation of Strafford²⁵. Experience sufficiently demonstrates that the prerogative may be safely entrusted to the most popular leaders, who are still careful in administration to preserve their power unimpaired. No doubt can be entertained but if once engaged in his service, that their councils would have been salutary, and the redress of grievances constitutional and temperate. But when excluded industriously from power and office, they intermingled their private resentment with the public discontent. Distrusted by their sovereign, they naturally mistrusted his sincerity in their turn. Not satisfied with the redress of grievances, except their repetition were prevented, they aspired openly to the reduction of those regal powers which were once abused, and unless entrusted to their administration, might again be perverted. After an arbitrary reign of fifteen years, the concessions extorted from Charles were deemed insincere, and the constitution insecure, unless the prerogative by which it was invaded were circumscribed and reduced. And we may affirm that his refusal or reluctance to receive from parliament, an administration possessed of the public confidence, was no less imprudent, nor less pernicious to his government, than his former aversion to parliaments themselves²⁶.

From the imperious disposition, or from the necessities of Charles, the historians of each party have deduced the illegal complexion of the former

²⁵ Clarend. i. 211—54. Mauley's Mem.

²⁶ See NOTE VII.

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part of his reign. In the same manner they have ascribed the subsequent conduct and violence of the commons, to a just diffidence of the king's sincerity; derived from an intimate knowledge of his character, or to a factious design to subvert the constitution, and usurp the supreme power of the state. Their distrust might be unfeigned though groundless; but it is observable that his sincerity may be justly suspected from the refusal of a popular administration to the English parliament, at a time when the same demand was conceded to the Scots. The former was calculated to resume an uncontrolled authority at a more propitious season; the latter was confessedly intended to secure their neutrality, and in the event of a rupture, to obtain their support. Nor was this alone the concealed object of his journey to Scotland. An incident occurred during his residence there, which was thus peculiarly denominated in the history of Scotland, as a casual event; but when applied to the subsequent transactions of England, it affords an explanation perhaps of his secret designs.

Incident in
Scotland.

Argyle and Hamilton had acquired the principal ascendancy in the Scottish parliament, but the latter declined proportionally in the confidence of his sovereign, and was blamed as over active in his own preservation. A supposed plot for their destruction was discovered by Hurry, a colonel, on the information of Stewart, a subaltern officer. On repairing that evening to a conference at court, they were to be arrested as traitors by the earl of Crawford, and Cochrane whose regiment was stationed

stationed in the vicinity, and conveyed in close custody to a frigate in the roads, or assassinated if any resistance were attempted. They secured their houses that night from surprise. But the alarm was increased next day by the king, who repaired to parliament with five hundred soldiers and armed attendants. Professing, as their followers were numerous and highly irritated, their apprehensions that a tumult might otherwise ensue, they retired with Lanerk, Hamilton's brother, to his seat at Kinneal. The king complained of the injurious surmises excited by their flight; and until his honour were publicly vindicated, required that Hamilton should be sequestered from parliament. But the estates proceeded with more temper and discretion, to exculpate their sovereign by a private investigation and a public report; and the three noblemen were speedily recalled²⁷.

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The incident may appear at first to be little else than a supposititious plot; but from the confession and contradictory declarations of Crawford and Cochrane, the intended arrest of Argyle and Hamilton can admit of no dispute. It was communicated to the lords Ogilvy, Gray, and Almont, from whom the secret transpired, and to Murray groom of the chamber, who introduced Cochrane to a private audience, and conveyed three letters from Montrose to Charles, signifying

Explained.

²⁷ Burnet's Mem. 186. Hardwick's State Papers. Bailie, i. 330. ii. 299. The objection to a public investigation was, that the king's presence would overawe the freedom of inquiry.

“ that

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“ that he would inform his majesty of a business
 “ that not only did concern his honour in a high
 “ degree, but the standing and footing of his crown
 “ likewise.” Hamilton and Argyle had both
 been denounced as traitors by Montrose, whose
 intimation of an affair that respected the honour
 and stability of the crown itself, can admit of no
 other explanation than their correspondence with
 the state puritans in England, from which the re-
 cent invasion of the Scots had originated. The
 king had already discovered, and was extremely
 urgent to procure lord Saville’s forged invitation,
 which had been deposited with Wariston ; and
 we must conclude on the authority of Clarendon,
 that the information for which he was thus solicit-
 ous, of a treasonable correspondence between the
 popular leaders of the two kingdoms, was obtained
 from the communication which he preserved with
 Montrose in prison. According to Clarendon,
 that nobleman, by the introduction of Murray
 of the bed-chamber, was admitted privately to the
 king ; informed him of many particulars from the
 beginning of the rebellion, (to which, as a mem-
 ber of the committee of estates, he was necessarily
 privy,) asserted and offered to prove in parliament,
 that Hamilton was not less faulty and false than
 Argyle ; but rather advised that they should both
 be assassinated, which, with his usual frankness,
 he undertook to execute. As Montrose was then
 in prison, the interview was obtained indirectly,
 through the intervention of Cochrane, but Claren-
 don’s information is otherwise correct. The assas-
 sination

ination of Argyle and Hamilton was characteristic of Montrose; their arrest may be ascribed to the importunate zeal of their accusers. No satisfactory explanation was given of the letter, and we must conclude that the information refused by Wariston, was procured from Montrose, and, on the flight of Argyle and Hamilton, reserved for the accusation of their confederates in England ²⁸.

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On the first notice of the incident, the apprehensions of the leading members in the English parliament were sufficiently revealed. By the sudden impeachment of Strafford, they had prevented an impeachment against themselves, but were again exposed to the same danger, when the particulars of their correspondence or intercourse with the Scots were discovered by the king. As if their personal safety were endangered, they felt or affected an immediate alarm; and were suspected of a desperate proposal at their private consultations, to secure the queen and her children as hostages for their preservation ²⁹. The commons applied to Essex the general for a guard. They prepared the memorable remonstrance to Charles, which was

Its effects
on the
English
parliament.

Remon-
strance of
the com-
mons.

²⁸ See NOTE VIII.

²⁹ Rushw. v. 464. Nalson, ii. 780. - From this, and from Clarendon's conversation with Essex and Holland, it would appear that the alarm was serious. Nor can these peers, unless afraid of impeachment, be suspected of a miserable plot to amuse the people with their personal terrors. Cromwell's declaration to Falkland, that he, and many others of his party, would have sold all and quit the kingdom if their remonstrance had been rejected, is an additional proof of their alarm at the incident, and their mistrust of Charles.

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presented on his return. Every error and misfortune of his reign was minutely recapitulated; and they recommended the appointment of ministers not obnoxious or unacceptable to the commons, but in whose councils the parliament might have reason to confide³⁰. If its acrimony betrays their extreme irritation, the conclusion sufficiently evinces, that there was still an easy remedy, then indeed unusual, yet strictly constitutional; that the confidence denied to those who had deserted the public cause, and withheld from the servile insolence of archbishop Williams, from the levity of Digby, and the infamy of Saville, was reserved for the unassuming but inflexible virtues of Hambden, the mild integrity of Kimbolton, the sincere and ardent genius of Hollis, and the cool sagacity of the aged Pym. From this period their proceedings became more daring, determined and violent, and their distrust incurable. They foresaw their own destruction in the dissolution of parliament, or the decay of their popularity, if the royal authority remained entire; as noise and clamour are the chief instruments of popular assemblies in the acquisition of power, the people were agitated with constant alarms. As an impediment to every reformation, the popish and spiritual lords were excluded from parliament, but their expulsion was effected only by the tumultuous petitions of the citizens, the indiscretion of the prelates themselves, and the assault sustained by the round heads, an unarmed populace, from the cavaliers or disbanded officers retained at court.

³⁰ See NOTE IX.

The protestation of the bishops, on which their order was impeached and expelled from parliament, is ascribed to the violence of archbishop Williams, and the king's approbation to haste and surprise. The protestation, however, was the same in effect, with that which the Scottish prelates had formerly prepared and presented by his orders; and as both were directed against the authority of the assembly or parliament from which the prelates were excluded, so the one was calculated to insinuate a secret, and the other to establish a public nullity, and produce a dissolution³¹. Had the functions of the temporal, been suspended by the absence of the spiritual peers, the commons must have been equally disqualified, and the parliament dissolved. When instructed, however, in the inefficacy of the former, that Charles should expect success from the present protestation, appears the less surprising, as it was succeeded by a more intemperate and fatal measure, the sequel of his late transactions in Scotland, and in the opinion of parliament, the test of his sincerity.

800
111.
1641.
Protestation
of the
bishops.

On the application of the commons for their former guard, the king assured them on the word of a monarch, his favorite asseveration, that there was no cause of apprehension or alarm, for his care should extend to the protection of each member, as much as to the preservation of himself or his children³². The same day was selected to prefer an impeachment of treason against lord Kimbol-

1641.
Impeachment
of
Kimbolton
and the five
commons.

Jan. 3.

³¹ Clarend. i. 350. Rushw. v. 463.

³² Id. 471—3.

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ton and the five commoners, Hambden, Pym, and Hollis, Hazlerig and Strode. Their persons were first demanded by a serjeant at arms. Next day, the king, attended by his guards and retinue, claimed the members in person from the commons; and proceeded to expose his dignity to the contempt of the city, by the same vain requisition at Guildhall. At a time when the violence of parliament began to be generally disapproved, and the tide of popular favour to return to the sovereign, such precipitate measures could be attributed to nothing else than the vain and vindictive suggestions of Digby, and the counsels, or rather the mandates of the imperious queen³³. Much allowance is undoubtedly due to the disposition and peculiar situation of Charles, who was impatient of deliberation, hastily persuaded, and eager in his resolves. His situation was exposed to the unremitted opposition of the commons, and his mind, already irritated at their endeavours to circumscribe his prerogative, was peculiarly incensed at the impeachment of the prelates. When every abatement, however, has been made, there remains enough to convince us, that although the execution of the measure were prompted or accelerated by the queen and Digby, the design itself had been long entertained. The chief articles of the accusation were the invitation and encouragement given to the Scots to invade England, in order to subvert the fundamental laws

³³ Clarend. i. 356. From the same author it appears that Digby had already made such discoveries as satisfied the king. Id. 343.

and

and the authority of the sovereign, and to erect a tyrannical power in their stead. We are assured, that the materials of the accusation were procured in Scotland, and have every reason to conclude that they were obtained from Montrose. The redress of grievances in the former session had excited a deep resentment, and an early resolution to subject its authors, notwithstanding the general amnesty, to an exemplary punishment on the return of power. In addition to the desire of securing the neutrality, or support of the Scots, we must assign as a motive of the late expedition, the discovery and impeachment of their confederates in England.

When the information is once traced to Montrose, the intended arrest, and the escape of Hamilton and Argyle from parliament, the alarm and subsequent violence of the English commons, the impeachment and attempt to secure the persons of their leaders, are intimately connected, and exhibit a series of transactions derived apparently from the same source. The late attempt of the king to seize the five members by surprise in parliament, is almost an exact counterpart to the incident in Scotland. They were both derived from the same discoveries of Montrose, and dictated by the same inconsiderate spirit. The sudden violence of the commons, and the desperate resolution to disarm their sovereign, when contrasted with the temperate and constitutional measures of their former session, must be ascribed to their alarm at the discovery of their correspondence,

Explained
by the incident.

and their confirmed suspicion that the transient intention to seize Argyle, was a prelude to their own impeachment and punishment. At the conclusion of a former parliament, Hollis and Strode had been imprisoned in defiance of the recent petition of rights, and the former severely fined; nor was more lenity, moderation, or justice to be expected, were they again exposed to the resentment of the king. Conscious that their intercourse with the Scots was detected, they must have concluded, when carefully debarred from office, that they were reserved for punishment, and that there was no resource nor security unless the power of the crown were retrenched, and its abuse prevented.*

But the incident is a key to the transactions, and unlocks the secret motives both of the parliament and the king. The monarch who descends, after an act of oblivion, to explore the obsolete treason of his subjects, must have meant from the beginning, since he endeavoured afterwards to avail himself of the discovery. Vengeance, and the resumption of absolute power had been therefore premeditated; and the present was hastily embraced as a favourable opportunity to crush his

* Hambden, the mild and moderate Hambden, after this accusation, was much altered, says Clarendon; "his nature and carriage seeming much fiercer than before." ii. 266. A proof of his opinion, in common with Pym and others, (id. 464.) that no farther trust was to be reposed in Charles. And certainly they had reason to conclude, that if their persons had been secured, the parliament would have terminated, like every former parliament of Charles, the first excepted, in their imprisonment and punishment.

opponents. Had he secured their persons, the popular favour, which seldom attends the unfortunate, might have yielded perhaps to his proof of their guilt. But the blow which was levelled at the commons, recoiled on himself. The rupture which he solicited, was improved by his opponents with superior address. The parliament, the city, and the whole nation resounded with breach of privilege. The king, disappointed and disconsolate, retired from Whitehall, to which he never returned; till a captive; while the accused members were conducted in real triumph from their asylum in the city, and restored to their seats.

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III
1642.

The Scottish history is at present so intimately connected with the English, that it becomes a collateral and tributary stream to the other, conducive or subordinate to its most important events. It was impossible for the Scots to remain indifferent to the transactions, in which the late treaty might involve the nation. The commissioners for the relief of Ireland offered their mediation, which was resented and indignantly rejected by Charles, but accepted by the commons, and gratefully acknowledged. The relief of Ireland had already been agitated without success. Each party, aware of an approaching rupture, was less desirous to suppress, than to convert the insurrection to its own advantage. The king was desirous to involve the parliament in the management of a war, which might engross all its attention, its troops, and resources. The commons were determined not to disfurnish themselves or the king-

Relief of
Ireland.

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dom of men, but to employ their Scottish auxiliaries in the reduction of Ireland. The offer of ten thousand troops was accepted by the commons, but rejected at first by the lords on a frivolous pretext, that unless an equal number of English were employed, the Scots might appropriate Ireland to themselves. When the succours were reduced to a fourth of that number, the possession of Carrickfergus was refused, and at length reluctantly granted by Charles, whose offer to raise ten thousand volunteers was rejected in return. The commons, apprehensive of their own ruin, were resolute not to entrust him with an army, and each party, rather than surrender an advantage to the other, was content to hazard the loss of Ireland³⁵.

Militia.

It is not surprising that at this alarming period, the settlement or disposal of the militia was the cause immediately productive of a civil war. The power of the sword, which the commons, on the approach of internal commotions were ambitious to grasp, the king was determined never to resign. According to the common circumstances and course of government, his right was indisputable; and on the supposition that the constitution were secure from danger, the sword deposited with the supreme magistrate was undoubtedly his. On the other supposition, that his mind was still hostile to the constitution, and impatient to revoke the provisions to which his necessities had submitted, the arguments employed by parliament were

³⁵ Burnet's Mem. 189. Nalson, ii. 763, &c. Rushw. v. 498, &c.

equally

equally conclusive; and the public safety, as well as self-preservation, required that the military power should be sequestered from the crown. Unhappily for the nation, these conclusions were derived from the uniform experience of his former reign. Yet the question which thus rekindled a civil war in both kingdoms, was the result naturally to be expected from two co-ordinate parts of the constitution, an independent parliament, and a monarch obstinately tenacious of power. His inflexible resolution not to nominate, or rather never to receive a popular administration recommended by the commons, excited, and may still justify the opposition of parliament. A successful opposition can only be exerted by suspending the operations of government, or divesting the crown of a dangerous, or disputed prerogative; but the first expedient had been tried in vain. Neither the refusal of supplies, nor the unavoidable interruption of public business; neither the urgent situation of Ireland, nor the poverty to which Charles was reduced, nor the distress and danger with which he was surrounded, could surmount his invincible repugnance to gratify the commons, and introduce the popular leaders into office. When a change of administration and of measures, the cheap and common remedy for public discontent, was thus perversely refused, no alternative remained but to divest the sovereign of the last prerogative on which he relied. There was then no standing army to be withdrawn from under his command, and dissolved by the refusal of a mutiny bill. But his military

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military authority might be suspended, and the militia lodged in secure hands. In these transactions we discover the spirit of later times. We discern the same constitutional spirit, which has been repeatedly exerted to impose a new administration on a reluctant sovereign, or if the refusal of supplies, and a total interruption of government should prove ineffectual, to abridge the secret influence or prerogative of the crown. The progress of parties is often similar at different periods, and the origin of the civil wars admits of a simple and obvious explanation. It illustrates an important political truth, that the balance ascribed to the English constitution is often ideal; that the executive and legislative branches, which are regarded as co-ordinate and equal powers, cannot long remain independent or divided. The people may choose between a legislature created by the influence, and devoted secretly to the will of the crown, and a representative body emanating from themselves, and creating the ministry in which the executive authority resides; but if neither of these powers were subordinate, nor disposed to submit to the influence of the other, the ideal balance of the constitution might be preserved in theory, but the state would be undone ³⁶.

But

³⁶ The only constitutional remedy is a dissolution of parliament, which would not have availed had it been still practicable, unless the king could have governed, as formerly, without parliaments. The same commons, or members of the same complexion, would have been returned by the people. Whoever

But the parliament was not without its peculiar fears, to suggest and almost to justify the assumption of the sword. A few days previous to the accusation of the members, the earl of Newport the constable, and Balfour his lieutenant, were removed from the tower, as attached to parliament or indisposed towards the king. At the same time the earl of Newcastle was privately dispatched to secure Hull, where the magazines for the Scottish war were deposited; and from the unguarded confession of a similar design upon Portsmouth, there is only one conclusion to be drawn, that a scheme was already formed, to preoccupy the three principal fortresses in the kingdom, and reduce a refractory parliament by force³⁷. Arms and a civil war were therefore premeditated, before the impeachment of the five members, or the departure of the queen, with the crown jewels, to purchase ammunition and arms in Holland. On the accusation of the members, and the first intimation of an attempt to be made on Hull, the commons anticipated the whole design. They importuned the king for the removal of Lundsford and Byron from the Tower; enjoined the governor of Portsmouth to receive no orders except

Not imaginary.

has remarked the event of a struggle for the ministry, terminating either in the submission of a court to a change, or in a new parliament more devoted to its will, must be sensible that were the king inflexible in the choice of his ministers, the commons popular and their constituents inflexible, a civil war would inevitably ensue. So true is the constitutional maxim; *ponderibus librata suis*.

³⁷ Rushw. v. 469. 564. Clarend. i. 382. 418.

from

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Demand of
the militia.

from parliament; dispatched the Hothams to command at Hull; and revived a forgotten motion, that the militia should be entrusted to lords lieutenants recommended by the two houses, as fit persons in whom they could confide. Their measures were dictated by an intimate knowledge of the king's designs, which the treachery of his confidential servants had disclosed.

At first they adopted the regular, and constitutional mode of petition, to which Charles returned an evasive answer in order to facilitate the departure of the queen. He declared that he would entrust the forts and militia to persons recommended, or approved by parliament, when informed of their names, the extent of their powers, and the duration of their trust³⁸. The two houses accordingly, presented an ordinance to regulate the militia; and on account of a desperate plot against the commons, recommended a separate list of lieutenants, to continue during their pleasure, and responsible to themselves. The delays, and at length the peremptory refusal of Charles to surrender the militia for a single hour, evinces sufficiently that his former answer was contrived to lull and deceive their suspicions. Had he returned to parliament, an accommodation, in the opinion of Clarendon, was still attainable on easy terms³⁹. Had the militia been granted for a limited period, no cause would have remained for discontent or alarm. A power which parliament had no cause to exert against him, and

³⁸ Rushw. v. 420.

³⁹ Life of Clarendon, i. 109.

could

could not otherwise employ, must, at least on a dissolution, have reverted to the crown. But his resolution was already taken to appeal to the sword. Pacific deliberations were precluded by his concert with the queen, to retire into Yorkshire, and seizing possession of Hull, to await the result of her negotiations on the continent⁴⁰. The two houses, on his removal northward, resolved that the kingdom should be put into a posture of defence. On his attempt to obtain admission into Hull, for Portsmouth was already privately gained, their demands increased with their mistrust, and, as announced in nineteen propositions, extended almost to the same concessions which the Scots had obtained. Such was the crisis which each party solicited, to transfer to the other the reproach of commencing, or of rendering hostilities inevitable; and at Nottingham the royal standard was erected with circumstances of ominous interpretation.

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Civil war
predetermined
by
Charles.

Aug. 25

I have endeavoured, in a concise and rapid survey, to illustrate the chief events that preceded and produced a memorable war, in which both nations were equally involved. It appears that Charles, from the very beginning, was averse and secretly irreconcilable to parliament, whose distrust was excited by the surmise of his intentions, and its violence by the discovery of his hostile designs; that he had determined, recently after the accusation of its members, to resort to arms, to which the departure of the queen, and his operations and

⁴⁰ See Note X.

progress

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progress in the north were directed. That he conceived his prerogative evaded, or his throne endangered, by a democratical legislature, is indeed a political cause or excuse for hostilities; but reason and humanity would in vain determine, whether the king were justifiable in a moral view, who, in defence of even a just prerogative, has involved his subjects, for whose happiness he was created, in the multiplied calamities of a civil war. We may affirm, however, that from an exalted idea of the regal character, from the expectation of a slight resistance, and of success unallayed with excessive bloodshed, Charles engaged with unreluctant haste in hostilities with his subjects; that he commenced without hesitation, and renewed without necessity, the war with Scotland; nor studied that sincerity, or those means of conciliation which were necessary to avert the present.

Com-
mencement
of the civil
war.

Whether from a natural hesitation to commence hostilities, or from inattention to the preparations of a feeble enemy, the parliament, with a superior force at Northampton, neglected to dissipate the few troops that resorted at first to the royal standard. Charles was suffered to retire unmolested to Shrewsbury, to collect his levies, and to interpose, with an equal army, between Essex the parliamentary general, and the capital. Instead of pursuing an unobstructed march, to surprise and crush his opponents in London, he yielded to his nephew prince Rupert's impatience for battle; and each party retreated from Edgehill with equal pretensions to victory, and almost equal loss. On the surren-

der

der of Banbury he removed to Oxford, which became the seat of his government, or rather the head quarters of his army during war.

When the campaign was renewed in the spring, the first events of importance were the reduction of Reading by the parliament forces, and the death of Hambden, who was mortally wounded in an inconsiderable encounter. The various and enterprising talents of that distinguished patriot were not less adapted for the field than the senate; and while his personal virtues were acknowledged even by his enemies, his public spirit, from his first disinterested resistance to ship-money, was the uninterrupted theme of popular applause. Genius and profound sagacity, were his. In private, temperate, mild, conciliating, and exact in the discharge of every moral duty; he was actuated in public by an ardent and unfulfilled attachment to liberty, aided by address, perseverance, eloquence, embellished with modesty and distinguished valour. His vigorous counsels, to march directly to Oxford, and instead of investing Reading, to reduce the court by a single siege, was rejected by the suspicious caution of Essex; but it would have preserved the parliament from its subsequent difficulties, the nation from the miseries of a protracted war, and the king himself from an untimely end⁴¹.

The defeat of Fairfax in the north, and of Waller in the West; the retreat of Essex, and the reduction of Bristol, presented another fair opportu-

⁴¹ Clarend. ii. 238—64.

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nity of advancing towards a distracted capital. But the parliament was again preserved by the destiny that ever attended Charles, whose arms were diverted by an impulse of sudden indignation to the siege of Gloucester. The approaches were baffled by the skilful defence of Maffey; a general assault was repelled by the desperate enthusiasm of the garrison and city, which was reduced, however, to extreme necessity when relieved by Essex. His return was opposed by Charles at Newbury, where, disgusted at the times, or the royal cause, Sunderland and the virtuous Falkland perished, in an obstinate engagement which remained undecided on the approach of night⁴².

Treaty at
Oxford.

In the interval between the two campaigns, while the military operations were suspended by winter, commissioners had been sent to Oxford with proposals that the armies should be mutually disbanded, and the king's presence restored to parliament. As the condition of his recall, they required the militia to be left to the disposal of the two houses; episcopacy to be abolished in all its branches, and ecclesiastical controversies to be determined by an assembly of divines. His proposals were not less unreasonable than theirs. As if to disarm the parliament, he insisted that his towns, revenues, forts, and

⁴² Clarend. iii. 345—9. Sunderland (Sidney's State Papers, ii. 667.) undoubtedly, Falkland very probably, was disgusted at the royal cause. He was weary of the times, and courted his fate. Unless disgusted at his own party, he had no reason to be dissatisfied at the low state to which the parliament was reduced.

shipping,

shipping should be previously restored ; and in order to procure from the north, the supplies and stores which the queen had imported, demanded a free trade till the treaty was concluded ⁴³. But the commissioners did not despair of peace. In their private conferences, they entreated earnestly that some satisfactory concession should be granted respecting the militia ; and assured the king that on obtaining their only substantial security for the past, the majority in both houses would recede from every religious demand. They requested that an offer should at least be made, to restore the office of lord high admiral to the earl of Northumberland, which might serve as an happy expedient to confer the militia, by the king's authority, on persons not unacceptable to parliament. But the uxorious monarch had given a solemn promise, on the departure of the queen, to accede to no terms without her intervention, and to restore none to favour without her consent. It was previously determined, that since her counsels were represented as hostile to the nation, nothing less than her mediation should procure tranquillity ; and we must again conclude that the war had been concerted before her departure, since peace was not to be restored till her return. It is to this romantic, but unfeeling promise, that the friend and historian of Charles ascribes, in his private memoirs, the continuance of the war, and the king's opposition to a truce, against which he encouraged public ad-

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⁴³ Rushw. vi. 164. Clarend. ii. 193. 215. Whitlock, 64.

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Mediation
of the Scots.

dress, lest a peace should become unavoidable in the absence of the queen ⁴⁴.

Anno 1642.
May.

The province of mediation belonged properly to a sister kingdom, exposed to the same danger, and united under the same monarch, by the ties of a similar religion and language. The Scots were neither indisposed nor slow to mediate; but each party was desirous rather of their aid than intercession. On the first offer of their mediation, Loudon the chancellor had been dismissed by Charles, with instructions to impress the council with an adequate sense, and to procure an ample declaration of his wrongs. His disappointment must have been great indeed, if assistance, or even a cold neutrality were expected from the Scots. Their national interest induced them to mediate, or if that were ineffectual, to co-operate with their recent benefactors and allies. Their enthusiasm to propagate the ecclesiastical discipline and worship abroad, which they had restored at home, coincided with their interest. The representations of Charles were opposed by those of the English parliament; his friends were out-numbered; and as a declaration favourable to his cause was refused, the interposition of the privy council was delayed at his request ⁴⁵.

Dec. 1642.

⁴⁴ Clarendon's Life, i. 149—57. Compared with his account of the same transactions in his history, (v. ii. 225.) his private memoirs exhibit a curious example of the difference between secret, and apologetical history.

⁴⁵ Burnet's Mem. 194. Baillic, i. 334—7. Guthry's Mem. 116.

When

When hostilities had commenced in England, and an army was collected on the borders by the marquis of Newcastle, offers of mediation were renewed by the council, and the commissioners whom the late parliament had appointed for the conservation of peace. A committee was selected to proceed to Oxford, where their mission was unwelcome, and their reception ungracious. They were instructed to persuade the two houses to recall the king, by concessions satisfactory to his dignity and at the same time not injurious to their liberties; to prevail on the king to comply with their invitation, and to return to his capital; but if it were impossible to prevent hostilities, they were then directed to require a parliament for the security of Scotland. Their intercession, however, was again declined. Their powers were questioned, to interpose in the internal dissensions of England, as conservators of peace between the two kingdoms. From their importunate demand of religious conformity, they had few pretensions to the character of impartial umpires; and a passport to renew their mediation in London, was considered as too dangerous to be granted; a parliament was an instrument too formidable to be obtained. The commissioners, whose letters were intercepted, and their persons reviled and threatened by the royalists, were recalled in disgust⁴⁶.

Declined;

Instead of a triennial parliament, which it was impossible to anticipate, a convention of estates

Convention
of estates.

⁴⁶ Crawford's Hist. MS. vol. i. p. 182. Burnet's Mem. 216. Baillie, i. 359.

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was summoned by the council and conservators of peace. Examples had occurred, even since the accession, of conventions held without a warrant from the king. Unable to prevent the present, he endeavoured to limit its powers, to the consideration of supplies for the army in Ireland. But the estates declared themselves a free convention. While the prudent Hamilton, protesting temperately against their authority, withdrew with his brother, they assumed, in conjunction with the general assembly, the unobstructed management of the church and state. The object of their convention was soon announced, by their impatient expectation of commissioners from England⁴⁷.

Interest and
policy of
the Scots.

On the defeat of Fairfax, and the triumphant progress of the royal arms, the parliament of that kingdom was reduced by its desperate situation, to implore the fraternal aid of the Scots. Sir William Armyne, Hatcher, Darley, and the younger Vane, were with Marshal a presbyterian, and Nye, an independent clergyman, dispatched as commissioners to the parliament and assembly, to solicit immediate succour, and to unite the nations in the works of mutual reformation and defence. According to the late treaty, no war could be declared in either kingdom against the other, without the previous consent of parliament; but at the same time, reciprocal assistance to prevent invasion, or to suppress internal insurrections, was due to the

⁴⁷ Burnet's Mem. 234.

parliament of each state. On the first article the king required the neutrality of the Scots, on the second, the parliament claimed their assistance. From the extreme and urgent danger of the two houses, a safe neutrality, had the Scots been desirous to observe it, was no longer politic, nor even practicable. If the parliament were once dispersed or reduced by arms, the liberties of England would remain entirely at the king's disposal, and after the event of the first pacification, it was impossible for the most credulous to believe that the settlement of Scotland, to which he had acceded with such reluctance, would continue long unrevoked. At the head of a victorious army, his past assurances would afford no security for concessions adverse to the dictates of his conscience, which resisted the abrogation of episcopacy in England, and irreconcilable to those of policy which, if the English were subdued, required that the freedom and presbyterian spirit of Scotland should be removed from their view. His concessions were granted from necessity, to subsist for a time till the commons were suppressed in England; and from the motives, as well as from the consequences of an obvious policy, there arises a better proof than any historical assurance can furnish, that they were to be resumed on the eventual success of his arms. No sooner, therefore, was the mediation of the Scots prohibited, than the danger of the English parliament created a common cause, which was cemented by the apprehensions of the chief covenanters

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Their dan-
ger from the
war.

for their personal safety, if ever exposed to the vengeance of the king⁴⁸.

To those imperious considerations, others of a subordinate nature must be added. From the vicinity of the marquis of Newcastle's army, the war was likely to be transferred to the north of England, and which party soever should obtain possession of Carlisle and Berwick, a national force would be requisite on the borders, to prevent depredations, and to preserve the southern counties from contribution. When the necessity of an army was once admitted, there were few internal resources for its subsistence. The brotherly assistance was intercepted by the war, and no alternative remained but to march into England, and co-operate either with the parliament or the king. The alternative was recommended to military men, by the free quarters which they enjoyed in the late expedition; and to the decayed nobility, by the competition for their aid. The most prodigal offers were made by Charles, through the intervention of Hamilton, as the secret price of their

⁴⁸ Clarendon, ii. 66. He confesses (vol. v. p. 113—14.) "That the Scots, after their first rebellion, might well expect to be called to an account hereafter, if those whom they had provoked, had retained their interest and credit about the king. But that they were suborned to engage in the civil wars, when their true interest consisted in adhering to the king, when he was in a hopeful way to reduce the English rebels by force of arms." The first part of this quotation destroys the other; it justifies their apprehensions, and indicates too clearly their true interest; not to suffer the English parliament to be reduced by force of arms.

loyal

loyal support. It is said that every third office at court was to be conferred on a Scot; that the counties of Northumberland, Cumberland, and Westmoreland, were to be re-annexed as an ancient conquest, or inheritance to Scotland; that the seat of government was to be transferred to Newcastle, and the court of the young prince established at Edinburgh. Such extravagant proposals were never meant to be fulfilled. They were counteracted by the recent discovery of more dangerous intrigues. The earls of Montrose, Aboyne, Airley, and Nithisdale, had concerted with the earl of Antrim and the queen at York, that the Macdonalds should take arms in the Isles, the Gordons in the North, and with the highland clans who retained their loyalty, overwhelm the covenanters while unprepared for defence. Antrim, attempting to land at Knockfergus, was surprised by the Scots. The correspondence found on his person revealed the conspiracy, and gave the first intimation of the king's intentions to procure a cessation with the Irish catholics, in order to transport their arms into England. The horror and alarm which the discovery excited, served to accelerate an union between the parliament and the Scots⁴⁹.

But the Scots, as if motives of sound policy were insufficient for their vindication, aspired to a spiritual and more suspicious object. The divine light extracted from the gospel was too precious to be confined, or too copious to be contained,

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Solemn
league and
covenant.

⁴⁹ Burnet's Mem. 212—35; History, i. 47. Baillie, i. 364—71.

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within a single kingdom ; and to the benefits already derived or expected from their arms, they proposed to add the inestimable gifts of a pure faith and a primitive worship. The English would have been satisfied with a civil league. The Scots demanded a religious covenant, without which, in an age addicted to the covenants of works, grace, mediation and redemption, the bonds of national alliance, and even of social intercourse were deemed insecure. A solemn league and covenant was accordingly prepared. But the Scots were desirous to exclude, the English commissioners to preserve the independents in the reformation of the church⁵⁰ ; and it is to the artifice of Sir Harry Vane, that historians ascribe an ambiguous declaration, ultimately favourable to that rising sect. The reformed religion was to be preserved in Scotland ; but the reformation of religion was to be accomplished in England and Ireland, “ according to the word of God, and the “ example of the best reformed churches ;” and as hypocrisy was the prevailing vice of the times, each party actuated by religion, acted with profound dissimulation to over-reach the other. The English secretly confided in a *reformation according to the word of God*, as a barrier against the encroachments of presbytery. The Scots relied on a *reformation according to the example of the best reformed churches*, conjoined with an obligation to promote the religious conformity of the three kingdoms, as a full assurance that their beloved presbytery would be introduced into the English and Irish churches, since it

⁵⁰ Burnet's Mem. 382.

was to be preserved in their own. The next article was alike equivocal ; the present episcopal government was to be abolished, without abjuring the hierarchy as the Scots required. But the puritans were themselves divided. Some were urgent for the removal of prelacy *root and branch* ; others were desirous of a temperate form of episcopal government ; and from the connivance or acquiescence of the Scots, the obligation was framed with a studied ambiguity, to receive its interpretation from the prevailing sect¹. The remaining articles contained additional engagements, to preserve the rights and privileges of either parliament, the liberties of each kingdom, and the authority of the sovereign when exerted in defence of these, or of the true religion ; to discover and prosecute incendiaries and malignants ; to observe a firm concord between both nations ; and to adhere to the mutual defence of the subscribers, without division, defection, a base neutrality, or detestable indifference. The whole was confirmed by a solemn oath, concluding, in a strain of contrite humiliation, with an ambitious prayer, that other churches, groaning under antichristian tyranny, might accede to the league.

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Such were the terms of the SOLEMN LEAGUE AND COVENANT ; an obligation long revered by the nation, and still preserved by a very numerous sect. It is memorable as the first approach towards an intimate union between the kingdoms, but a federal alliance, according to the intolerant

Its reception in both kingdoms,

¹ Burnet's Mem. 240.

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And effects.

Desperate
counsels of
Montrose.

principles of the age, was constructed on the frail and narrow basis of religious communion. It was received in the convention with exultation, and in the assembly with enthusiastic tears, as a new dispensation of divine authority. It was ratified by both without a single dissent, and transmitted by a select committee, to the parliament and assembly of divines at Westminster⁵². There it was received with the same applause; confirmed and sworn by the lords and commons; enforced by penalties in each parish; tendered to every congregation on Sunday; and ordained in both kingdoms to be universally subscribed. Its political importance was soon announced, by a treaty with the convention for an immediate aid of twenty-one thousand horse and foot; to be retained at the rate of thirty thousand pounds a month, in the service of England. The army was to remain under its own generals, and to receive orders from a committee of both kingdoms. No treaty nor terms of peace were to be negotiated without the concurrence of the Scots, who engaged the public faith to evacuate England at the conclusion of the war⁵³.

The disadvantages sustained from the covenant, were in some measure counterbalanced by the cessation in Ireland, from which the king had long proposed to withdraw his troops. But his friends in Scotland were reduced to utter despair. The cautious and refined politics of Hamilton had misgiven; and nothing but the desperate counsels of

⁵² Burnet's Mem. 240. Baillie, i. 341.

⁵³ Rushw. vi. 475—85.

Montrose remained. A massacre of the chief covenanters was projected; but when the royalists assembled, under the pretext of attending the countess of Roxburgh's funeral, their numbers were too inconsiderable to attempt an enterprise, and their mutual jealousies prevented an union. The marquis of Hamilton was arrested on his return to court, and accused by Montrose of an uniform, and treacherous connivance with the covenanters, to promote his ambitious pretensions to the crown. The charge was obviously false and malicious; for a timid or prudent moderation was his only crime. His brother, the earl of Lanerk, escaped from Oxford, but the marquis was imprisoned for two years and a half, in the castles of Pendennis and Mount St. Michael; nor released till their surrender to the parliamentary forces ⁴⁵.

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Hamilton
arrested at
court.

⁴⁵ Burnet's Mem. 247—50—69.



THE HISTORY OF SCOTLAND.

BOOK IV.

Second Expedition into England.—Military operations.—Exploits of Montrose.—Treaty at Uxbridge.—Independents.—The assembly of Divines.—Battle of Naseby.—Victories—and defeat of Montrose.

IT was a misfortune peculiar to the age, and the source of miseries to each nation, that liberty was not a pure and unmixed flame; but was fed, and at length gradually adulterated by the spirit of religion. An alliance was requisite with the English parliament, on the common principle of self-preservation; but the limits of moderation and prudence were overstept by an intolerant zeal, the distinguished attribute of an established church. A new order had arisen, more austere and furious than the older clergy. The chairs of theology, and of philosophy then degraded to its handmaid,

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Increase of
fanaticism.

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maid, were appropriated in the universities to teachers like Rutherford, Blair, Gillespie, Cant, whose faith and violence were at least equal to their literature; and the younger clergy, confirmed by their instructions in the national covenant, improved on the fanaticism of their elder brethren¹. Their assembly, from the frequent attendance of the nobility, had acquired an undue influence in the state, and their characters a dangerous ascendancy over the nation. The enthusiasm of the people had increased with theirs, and in the memorable institution of the solemn league and covenant, the principles of sound policy were confessed and forgotten. If content with the honourable situation of allies, and the merit of contributing a timely assistance, the Scots had abstained from the religion and internal regulation of England, their moderation and their arms might have rendered them fit umpires between the parliament and the king; secured their share of commercial advantages, and averted every future calamity which their country sustained. But they engaged as principals instead of allies. They are accused of converting their aid into a religious crusade, and described as marching like the disciples of Mahomet, with the sword and the covenant in either hand. A religious mission was indeed superadded to a military expedition, and in the prosecution of this double object, their commissioners were sent to the assembly of divines. Their religious mission was protracted upwards of four years; but our attention is first

¹ Guthry's Mem. p. 63.

due to the superior importance of their military transactions.

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1643.
Situation of
Charles.

The situation of Charles may enable us to estimate the importance of their aid. His forces occupied the western and northern counties, and with the exception of Gloucester, his garrisons extended from Plymouth to Hull and Berwick, almost the only cities in the west and north which the parliament retained². The Irish cessation had already furnished supplies, and promised inexhaustible resources of men. His forces were numerous; and if the marquis of Newcastle were permitted to advance from Yorkshire, might have closed and surrounded the parliament in its turbulent capital. With Ireland at his devotion; with one half of England already in his possession, and five armies under his command, his strength was obviously superior, and the contest was too unequal to be maintained by parliament, till the arms of the Scots were thrown into the scale, and the balance restored.

That nation was generally united under the new covenant, which had been propagated with emulation by each presbytery, and universally subscribed. The towns were unanimous. The western and southern shires were the most ardent and devoted; the midland counties were less attached to the cause³. It was supported by powerful clans in the north. From the influence of their chieftains a portion of the highlands remained disaffected;

Of the co-
venanters.

² Clarend. Hist. ii. p. 397.

³ Guth. Mem. 146.

and

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Their ex-
pedition in-
to England.

and a dark cloud impended over the mountains, ready to burst with desolation on the plains.

Such was the ardor or impatience of the Scots, that in the expectation perhaps of surprising Newcastle before it was fortified, they prepared to march in the depth of winter. An army of twenty-one thousand men was collected at Berwick; under old Lesly, earl of Leven. On his promotion to that title, he had promised never to employ his sword against his sovereign again; yet whether on the express, or tacit reservation of religion and liberty, he did not hesitate to resume the command. Baillie was appointed his lieutenant, David Lesly his major-general; the regiments were mostly commanded by the nobility or principal gentry, but the subordinate officers had earned their experience and reputation abroad. During a severe frost and a deep snow, they crossed the Tweed in the beginning of the year, under the direction of a committee of both kingdoms. Their artillery and provisions were transported by sea; but their march was retarded by the rigour of the season; and before their arrival at Newcastle, the town was garrisoned and secured from assault. After an ineffectual summons, they passed the Tyne, and were opposed at Sunderland by the marquis of Newcastle; but as neither chose to descend from a secure position to a disadvantageous attack, he retired to Durham, to which they extended their quarters from the coast. Their progress was arrested by the want of provisions; and expecting the co-operation of a parliamentary army, they were
unable

unable either to quit the coast from which they derived supplies, or to advance into the country while inferior in horse *.

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1644.

Siege of
York.

The regiments which Charles procured from Ireland, had reduced some fortified places in Cheshire, and invested Namptwich, which Sir Thomas Fairfax advanced to relieve. From the presumptuous confidence of the enemy, the careless security of Byron their commander, and a sudden torrent which divided their forces, he obtained a distinguished victory; a thousand prisoners, and the Irish army was ruined and dispersed. On rejoining lord Fairfax his father, they defeated Bellasis, who was stationed at Selby to observe their motions; and took the general prisoner with half his troops. These spirited successes, occasioned by the marquis of Newcastle's absence, recalled his army to the defence of York. His march was harassed by the pursuit of the Scots, and on their conjunction with Fairfax, the siege of York was commenced. But their united arms were insufficient to invest a city intersected by a river, and provided with a bridge to transport its numerous cavalry to either side; and until the arrival of the earl of Manchester, (the late lord Kimbolton,) with an army levied in the counties associated around the capital, the siege was distinguished only by flight rencounters and a partial blockade.

On the approach of prince Rupert, who had been dispatched to the relief of Newark-upon-Trent,

Raised by
prince Ru-
pert.

* Baillie, i. 391. 445. Clarend. ii. 477. Rush. vi. 604.

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and with an army rapidly augmented in its progress to eighteen thousand, advanced to York; the three generals, Manchester, Leven, and Fairfax, abandoned the siege, and prepared for battle on Marston-moor. But the prince, interposing some cavalry to conceal his motions, crossed the Ouse, and by the intervention of that river, conducted a train of military stores and provisions in safety to the besieged. Had he remained content with this signal advantage, by relieving the city in the presence of a superior army, without a battle, he might have ranked among the first generals whom the war produced. Enough was done for his own honour and the service of the king; but the marquis of Newcastle in vain represented, that his forces would increase from a short delay, while the enemy might be expected to dissolve or separate, from their mutual animosities, and the dissensions incident on every disappointment to confederate arms. Deaf to every suggestion but his own courage, his rash and imperious spirit rejected the advice. Without consulting with Newcastle, or awaiting a large reinforcement expected from the north, he assumed the command of the garrison, and issued orders for battle next day.

Battle of
Marston-
moor.

The Scottish and parliamentary forces had dispaired of the siege, and begun in the morning to retire to Tadcaster to intercept his return, when their van was recalled by the appearance of his cavalry on Marston-moor. The day was consumed in preparation for battle, as the prince expected a

part of the garrison, and his opponents the return of their artillery and foot. His forces occupied the moor, while theirs extended along the adjacent fields, and as their respective numbers were nearly equal, historians have not failed to observe, that fifty thousand British subjects were arranged for the first time, within the space of a century, for mutual destruction*. A bank and ditch intervened between the armies, and after an ineffectual discharge of artillery, a profound and mutual silence ensued, as each side remained in awful expectation of the other's attack. The signal was given in the evening. The mound was surmounted by Cromwell and Lesly, whose cavalry, after an obstinate encounter, broke through and dispersed the right wing which Prince Rupert commanded, and a part of the centre, where the marquis of Newcastle's regiment of infantry perished gallantly in the ranks which they preserved. In the other wing the attack was begun by the younger Fairfax; but his horse, recently levied, were disordered by furze and ditches during their approach. They were broken by Hurry's irresistible charge, and while their commander penetrated with a few troops through the adverse wing, they returned, hotly pursued, on their infantry, and on a reserve of Scots, whom they trampled down or dispersed in their flight. The contest was still equal, and the victory belonged to those who could best improve their respective advantages. The

* Baillie, ii. 36.

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royalists advanced to increase the confusion occasioned by their horse; but while they penetrated to the baggage, which they were ready to seize, Cromwell and Lesly returned to restore the battle after a short pursuit. The situation of the two armies was now altered; and with their fronts reversed, each prepared, on the ground which the other had occupied, to regain a battle which both had regarded as already won. The action was fierce, obstinate, and bloody, but short and decisive; the royalists were driven from the field and entirely overthrown. Their artillery, carriages, and ten thousand stand of arms, were lost; fifteen hundred were taken prisoners, and four thousand expired in the field. The independents appropriated to Cromwell, the presbyterians to Lesly, a victory which was equally due to both; to Cromwell's *iron* brigade of disciplined independents, and to three regiments of Lesly's horse⁶.

Surrender
of York.

Such was the first signal victory obtained in a war, in which the armies never encamped or entrenched in the open fields, nor solicited the advantages of defiles or rivers; but rushed to battles

⁶ Rushw. vi. 634. Fairfax Mem. Cromwell is accused by Hollis (Memoirs 15.) of cowardice in retiring from the field on account of a slight wound. The same charge is repeated by Baillie (Let. ii. 36. 49.); and from Salmonet's information, it is probable that he retired from the second conflict to have his wound dressed, while his brigade was led by Crawford or Lesly to the charge. Salmonet's Hist. 160. But Cæsar and Cromwell are not amenable, says Walpole, to a commission of oyer and terminer.

where

where chance or valour predominated almost always over military skill. The dissensions which it excited, were not less disastrous to the royalists than the defeat itself. Prince Rupert signified, that he meant to quit the county next morning, the marquis of Newcastle replied that he meant to quit the kingdom; and on these abrupt intimations, the one retired into Lancashire with his shattered forces, and the other withdrew with his friends to the continent. The parliamentary generals returned to the siege of York, which surrendered on the eve of a general assault. Instead of advancing southward, the victorious armies were directed to separate. Fairfax remained in Yorkshire, and detached his cavalry in pursuit of prince Rupert, Manchester's army was withdrawn for the protection of the associated counties; and the Scots returned to the siege of Newcastle, where the earl of Calender had arrived with the reserve of their army, and renewed the blockade⁷.

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The campaign in the west and south exhibited frequent vicissitudes, favourable alternately to the parliament and the king. Hopton attempted to enter Suffex, and break the southern association of counties, but was defeated by Waller, whose army, reinforced from the capital, was dispatched to Oxford to co-operate with Essex, and by the reduction of that city to conclude the war. Waller had already crossed the Isis above, and Essex the Thames and Charwell beneath the city, which

Campaign
in the west
and south.

⁷ Baillie, ii. 37. 47. Whitlock, 92.

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was almost invested, when the king was extricated from between their armies, by a secret and nocturnal march towards Worcester. When it ceased to contain his person, Oxford was no longer an object to retard their arms. Essex preferred an expedition into Cornwall, against prince Maurice, and assigned to Waller the pursuit of the king. The Severn was interposed between the two armies. The king directed his march to Shrewsbury, to which Waller hastened to prevent his designs; but retracing suddenly his former steps, he rejoined the remainder of his foot at Oxford, and returned on his pursuer with additional strength. They met, but the Charwell intervened. A large detachment, which had forced a passage at Cropredy bridge, and attacked the royalists, was repulsed with such loss that Waller, stunned and disabled by the recall of his London auxiliaries, permitted Charles to march in pursuit of Essex, to relieve prince Maurice, oppressed by his arms. That successful caution which the sense of danger had at first inspired, was prolonged by the notice of prince Rupert's defeat; and in a campaign where military skill was requisite, the superiority of Charles, whether due to his own or to Ruthven his general's address and talents, was never more conspicuous. Essex's forces were inclosed in Cornwall, and overpowered by the united arms of Grenville, prince Maurice, and the king. Abandoned by their general, who withdrew in a boat to Plymouth, and deserted by their horse, who escaped by night through the enemy's lines, the infantry were compelled to deposit their arms,

arms, and surrender their artillery and baggage, for permission to depart. But success was still productive of some dangerous mistake. In disarming troops who submitted almost at discretion, Charles, by a strange improvidence, neglected to stipulate that they should not serve against him within a limited time^a.

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Second
battle of
Newbury.

Nothing less than the vigour inherent in popular assemblies, could have enabled parliament to surmount this disaster. Within six weeks the troops were recruited, armed, and equipt anew. When reinforced by Manchester's and Waller's armies, the generals were exhorted to resign their animosities, and however displeased at an expedition undertaken against their orders, the two houses assured Essex that their good opinion of his merit and fidelity continued unshaken. But it appears that Essex had begun to despair of the public cause^b. At the second battle of Newbury, his troops retrieved their lost honour, and embraced with transport a part of their lost artillery, which they had recovered by a desperate charge. But the united armies were commanded by Manchester, and the king, oppressed on his return, and almost overpowered by superior numbers, was preserved from destruction by the descent of night. His ordnance was deposited in Dennington castle, as he continued his precipitate retreat to Oxford; but within a few days he returned, reinforced by prince Ru-

^a Rushw. 654—71—98. Clarend. ii. 488—92. 501—25.

^b Id. 708—19, 20. Whitlock, 103.

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Newcastle
besieged;and stormed
by the
Scots.

Montrose.

pert's arrival from the north, and in the presence of a victorious army, withdrew his artillery, and distributed his troops into winter quarters.

The northern army had been employed in reducing some fortified places in Cheshire and Lancashire. The Scots were occupied with the siege of Newcastle, the possession of which was not less useful, to preserve their communication open with Scotland, than necessary for the relief of London, which the scarcity of fuel had already reduced to extreme distress. An obstinate defence was maintained by Morley the governor, and the subterraneous approaches of the besiegers were almost countermined, when their mines were hastily sprung, and the town was taken by a desperate assault. Their loss was considerable, yet such was the excellence of their military, or religious discipline, that no cruelty, rapine, nor lust was indulged; and the town was redeemed from pillage by an equitable ransom, when taken by storm. The castle surrendered at discretion; Tinemouth castle capitulated; and Musgrave and Fletcher were defeated in Westmorland, and their forces dispersed by Lesly during the siege¹⁰. But the war, when extinguished in the north of England, was suddenly rekindled, and blazed in Scotland with the most destructive rage.

There it required the genius of Montrose to restore the royal cause, and excite its desponding adherents to arms. Disgusted alternately at the court and at the covenant, his spirit, indignant at

¹⁰ Whitlock, 99. 104. Rushw. 645. 770.

the disgrace of imprisonment, was fixed irrevocably in its last resentment. His sword was secretly devoted to the king, and the covenanters in vain endeavoured to regain a nobleman whose irregular heroism they had reason to dread, but were unable in a fanatical age to appretiate. His ardent genius, unqualified for the nice adjustment of civil affairs, but keen, indefatigable, and undaunted in misfortune, exhibits the most opposite extremes of character; at once magnanimous and jealous, violent in his suspicions, and unjust in his resentments; frank, yet not incapable of dissimulation when requisite; generous, though destitute of humanity, nor scrupulous of the means to accomplish his designs; condescending, courteous and affable to inferiors; impatient of his equals, conscious of worth, and from the persuasion of an innate superiority, destined by nature for the most romantic exploits. To a man ambitious only of a field for the acquisition of military renown, the most desperate enterprises were recommended by their danger. The design which Hamilton had overruled, was resumed in circumstances of greater difficulty, but with a fairer prospect and chance of success. The officers accustomed to service, and the soldiers inured to discipline, were removed from Scotland; and however difficult to regain, or preserve the country, a powerful diversion might at least be effected. The plan was concerted at Oxford, that the earl of Antrim should supply Montrose with two thousand Irish, to be transported from Ulster to the coast of Argyle; and from the affinity of language,

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language, manners, and origin, they were expected to be well qualified to co-operate with highlanders". The necessities to which Charles was reduced, were undoubtedly great; yet amidst the fury of civil dissensions, if the laws of war are silent, those of humanity should still be respected. When the horrors of the Irish massacre are recollected, no extremity can justify, nor discriminate the introduction of native Irish, from the employment of savage tribes, and the use of the knife and hatchet in our civil dissensions.

At first unsuccessful.

Montrose was unsuccessful, however, in his first attempt. With a few troops collected in Westmorland, he erected the royal standard at Dumfries; but on the approach of some Scots, the mutiny and desertion of the English obliged him to retire. The adherents of Huntley, instructed to take arms, dispersed on his retreat, and after an ill-concerted insurrection, that feeble nobleman fled unattended to the remote wilds of the north. No blood had been shed in England, except in the field; and hostilities had been conducted there, with the generosity peculiar to civilized nations, and a courtesy rarely experienced even in external wars. But when the first triennial parliament met in Scotland, Gordon of Haddow, a man obnoxious from his oppressions, was convicted of a treasonable insurrection with Huntley, and to infuse a salutary terror into the royalists, inhumanly executed. Excommunications were freely launched at the other insurgents; but the sacred artillery of

" Clarend. State Papers, ii. 166.

the church is innoxious, unless when abetted by the sword of perverted justice ¹².

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Returns
alone to
Scotland.

Without troops and without resources, Montrose prepared for a new expedition, and accompanied only by two attendants, passed the borders disguised as their groom. On the fourth day he arrived at a vassal's house in Strathern, situate in the confines of the highlands, and at the foot of the Grampian hills. His companions were dismissed to summon his adherents or procure intelligence, and he lurked alone, concealed all day in a cottage, or wandering by night among the hills, till an obscure rumour announced the approach of his Irish auxiliaries. Fifteen hundred, after ravaging the northern extremity of Argyleshire, had landed at Sky, and traversed the extensive range of Lochaber and Badenoch, uncertain of their general's approach, or their own destination. On descending into Athol, they were surprised at his unexpected appearance on foot, in the garb of a mountaineer, with a single attendant; but his name was sufficient to rouse the highlanders, and to increase his diminutive army to three thousand men. It was necessary to lead them to immediate action, as Argyle was behind in pursuit of the Irish, and lord Elcho was stationed at Perth, with six thousand six hundred horse and foot, hastily drawn from the adjacent shires. An engagement with the latter was preferred, as the acquisition of Perth was the prize of victory, and the hills were not distant to

Joined by
the Irish
and high-
landers.

¹² Guthry's Mem. 129. 153. Spalding, ii. 220.

secure

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Defeats the
covenanters
at Tipper-
muir,

secure a retreat. The Irish were unused to the pike and unprovided with swords; but it appears that they had served in the Irish army, and were trained to the musket, if not inured to discipline¹³. The highlanders were accustomed to neither, but they possessed a vigorous arm, their paternal swords, the native valour of their mountains, or rather the warlike habits which a rude and predatory state of society inspired. The former were arranged in the centre, the latter on the flanks, as better armed to resist the impression of the horse. The enemy expected their descent at Tippermuir, and after a successful rencounter, the horse, if we can believe the fact, were repulsed and routed by a shower of stones. On obtaining the advantage of the ground, Montrose let loose his whole army, and staked the fortune of the day, a signal victory, or an irretrievable defeat, on its furious assault. The covenanters were assured by their preachers of success; but unable to withstand the broad and ponderous swords which the highlanders wielded in close encounter, their tumultuary forces were broken and overthrown by an irregular charge, which the most disciplined troops have not always sustained. Three hundred were slain in the pursuit; the artillery and baggage of the vanquished were taken, but we are required to believe that

¹³ They consisted of Antrim's tenants and servants, disbanded by the Irish insurgents as averse to the cessation, or desirous to renew the war. Macdonald of Colkitto, their commander, had been engaged in the Irish insurrection at an early period. Carte's Life of Ormond, i. 480.

the victory was achieved with only two wounded, and without the loss of a man ¹⁴.

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The fruits of the victory were the surrender of Perth, and the acquisition of clothing, ammunition, and arms. Montrose was joined by the aged earl of Airley, his sons sir Thomas, and sir David Ogilvy, the lords Duplin and Spynie with their adherents, and friends. On Argyle's approach he was compelled to abandon Perth as untenable, and to march northward, in expectation of being reinforced by the Gordons. Lord Burleigh and Lewis Gordon, one of Huntley's sons, attached from policy or inclination to the covenant, were stationed with two thousand seven hundred men at the bridge of Dee; but Montrose had crossed at a ford above and descended on their flank. Their cannon might have suspended the victory, had not Gordon imprudently advanced to the charge; and our belief is again exacted to the defeat of a body of five hundred cavalry, by forty-four horsemen traversing alternately from wing to wing. The Irish quitting their muskets, the highlanders resuming their targets, rushed forward from their ranks; and their fierce onset precipitated the enemy into an ignominious flight. The pursuit continued to the gates of Aberdeen, where the victors entered with the vanquished and renewed the slaughter. That unfortunate city, which Montrose had formerly oppressed as disaffected to the covenant, was aban-

And at the
Bridge of
Dee.

Sacks
Aberdeen.

¹⁴ Wilsart's Hist. of Montrose. Spalding, ii. 215—33. Guthrie's Mem. 162. Monteith of Salmonet's Hist. Manuscript quoted in Adamson's Threnodia, republished at Perth.

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His rapid
marches.

doned to the unrelenting rage and rapacity of the Irish. They first stript and then murdered the citizens, to preserve their clothes unspoiled; the women durst not lament their husbands or their fathers slaughtered in their presence, nor inter the dead, which remained unburied in the streets till the Irish departed. The simple unsuspicious narrative of a loyal citizen obliterates the praise of clemency bestowed on Montrose, by historians who have delineated his exploits with a romantic pen¹⁵.

On the fifth day his troops were recalled from the pillage of the town, as Argyle advanced with a superior force. To procure the accession of the Gordons, he retreated northward, towards the Spey, but the aid on which he relied unexpectedly failed. His expedition under the covenant was remembered by Huntley, and his violence to their chieftain was resented by the clan. The opposite banks of the Spey were guarded by the whole force of the province of Murray; and with a rapid river impassable in front, with Argyle whose force was superior, on his rear, no refuge nor retreat but the mountains remained. His artillery was buried in a morass; and he continued to ascend the stream, till the forests of Strathspey, and the rocky mountains of Badenoch had secured his army from the pursuit of horse. He descended again into Athol and Angus, pursued at a judicious distance by Argyle; but by a sudden march he repassed the Grampians, and returned to rouse the Gordons to

¹⁵ Spalding, ii. 234—7. Wishart. Salmonet. Guthry.

arms. But Huntley was still concealed in the north; as Aboyne, his second son, was besieged in Carlisle; the others were detained by Argyle their maternal uncle, and the loyalty of the clan was a secondary passion, subordinate to the fidelity due to their chieftain. At Fyvie castle Montrose was almost surprised by Argyle, when the absence of an Irish detachment, and the defection of the highlanders, who escaped to their hills to secrete their plunder, had reduced his army to eighteen hundred men. But he maintained a situation advantageously chosen, against the reiterated attacks of two thousand foot and a thousand horse, and surrounding his camp with fires by night to deceive the enemy, he retired into Badenoch by his former rout. Unable to endure the incessant fatigue of such rapid marches, his lowland officers, although the associates of his victories, deserted his standard, and the enemy withdrew into winter quarters, harassed and exhausted by a fruitless pursuit ¹⁶.

On the return of the Irish with the Macdonalds of the Isles, his active and unwearied spirit projected a new expedition. He penetrated in the depth, and amidst the snows of winter, through paths untrodden unless in summer by herdsmen, from the source of the Tay, into the remote recesses of Argyleshire, hitherto deemed inaccessible to an invading foe. The sanguinary genius of the Irish, the animosities of the highlanders, and his own resentment, were indulged in all the destruc-

Ravages
Argyle.

¹⁶ Wishart. Spalding, ii. 239—46—50—54—56.

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tive fury of a savage war. The cattle were driven away or destroyed; the corns and habitations were consumed with fire; the inhabitants fit for arms were put to the sword, unless preserved by flight; and this merciless devastation extended over Braedalbin, Argyle, and Lorn, to the confines of Lochaber. Argyle himself was almost surprised and intercepted, but escaped by sea. All terms of accommodation, or of mutual forbearance, which he had proposed in the north, were extinguished by the cruelties which Montrose inflicted¹⁷. The unforgiving resentment of the covenant was incurred; and as an earnest of future vengeance, a sentence of forfeiture was pronounced in parliament against Montrose. His army, destitute of pay and discipline, could neither be retained nor subsist without plunder; but in these severities, his personal animosity to the chieftain was gratified by a sanguinary revenge on the innocent clan. However desirous of true glory, Montrose was unconscious that humanity is the most distinguished attribute of an heroical character.

Treaty at
Uxbridge.

Negotiations were renewed in England during the intermission of arms; but the execution of Laud was an event inauspicious to peace. In return to some pacific overtures from Charles, commissioners were sent with propositions to Oxford, which were rigorous to an extreme; and a long list of proscriptions was added to every former

¹⁷ Wifhart, ch. 8. Spalding, ii. 268. Guthry asserts that he shed no blood. Wifhart positively avers that he put all the males fit for arms to the sword.

demand.

demand¹⁸. A treaty was solicited however by the king, to appease the importunity, and to sooth the impatience of his adherents for peace; but his advances are distinguished by a fastidious reluctance to acknowledge the parliament with which he proposed to treat. His overtures were addressed to the lords and commons assembled at Westminster. His passports were granted to their commissioners as private individuals, and when the parliament of England was at last unwillingly acknowledged, a protest was inserted in the books of council, that the name implied no recognition of its authority or power. The distinction has been justified as not uncommon in political transactions; but the reservation of a secret protest against the authority of those with whom a treaty was attempted, is susceptible of no interpretation but this, that no treaty was seriously intended, or that the terms were never meant to be sincerely fulfilled. The place selected for the negotiations was Uxbridge; to which sixteen commissioners repaired from Charles, twelve from parliament, four from the Scots. The treaty was limited to twenty days, and to three propositions, religion, the militia, Ireland; which were to be debated alternately, each for three days till the term expired. As the parliament had reduced the negotiations to these propositions, and condescended to treat with commissioners whose names were inserted in its former proscription, it was expected that a free conference and mutual con-

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¹⁸ Rushw. vi. 841. Whitlock, 107.

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Interests of
each party.

cessions might produce an accommodation on equal terms.

Whether the king or parliament had ultimately prevailed in the contest, the constitution must have perished, and could only be preserved by an equal and timely peace. Peace, the incessant prayer and desire of the moderate, was solicited by such of the king's adherents as were suspicious of his intentions, and promoted indirectly by the parliamentary generals, averse to his destruction. It was necessary for the preservation of the contending powers, against a new and independent party which had arisen from their dissensions, and discovered that kingly government was not necessary to liberty, nor an established church essential to religion. Its insidious activity, equally hostile to monarchy and presbytery, could be resisted only by a cordial union, to which the parliamentary leaders were invited by a sense of danger, and the king by a conscious decline of strength. But the obstacles were multiplied since the treaty at Oxford, by the necessities of war and a ruinous delay. He would not then consent to abandon a loyal and episcopal church; nor could they now relinquish the covenant to which they had recently sworn, and the presbyterian discipline, which they had engaged to maintain. They demanded, but the king was unwilling to grant, more substantial security than the royal word; and their mistrust, increased by the mutual animosities which the war excited, had rendered more ample securities requisite. Nothing less than a sincere desire of restoring peace, could surmount

surmount those obstacles by a mutual sacrifice of whatever was exacted, and the submission of each party to whatsoever the other was unable to resign.

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Religion
debated.

On these principles, impartial commissioners whose powers were unlimited, had impartial men who enjoyed the confidence of their party existed, might have adjusted and easily determined the concessions reciprocally due to peace. But the conference was ominously begun, on the first proposition, by divines more studious of victory than a fair accommodation. The most stubborn and staunch polemics were employed on each side, to assert as the interests of religion; the hostile and exclusive pretensions of their adverse sects. The question however, was proposed by Henderson with sufficient moderation. Declining the vain and unprofitable inquiry, whether episcopacy were consonant or inconsistent with the gospel, he suggested, as a question worthier of statesmen to examine, whether episcopal government was indispensable and absolutely necessary to the existence of religion, nor to be relinquished for the preservation of the state itself. A challenge from one of his bigoted opponents, to disprove the apostolical origin and succession of bishops, awakened the dormant rage of polemics, and for two days the altercation was conducted syllogistically, with such equal success, that in the opinion of every impartial commissioner, neither presbytery nor prelacy was of divine institution¹⁹.

¹⁹ Clarend. ii. 584. Whitlock, 123.

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After this vain altercation and waste of time, the demands transmitted by the two houses to Oxford, and the concessions offered by Charles were produced. They required that the ordinances for abolishing prelacy, and confirming the acts and directory of the assembly of divines, should receive the royal assent, and that the solemn league and covenant should be taken by the king and universally enjoined. He proposed that the observance of ceremonies should be relaxed, and the penalties suspended; that the prelates should be obliged to reside constantly within their diocese; to preach on Sundays, and in the exercise of their jurisdiction to consult with presbyters chosen by their clergy; that pluralities should be abolished, the abuses of ecclesiastical courts reformed; and that an hundred thousand pounds for the settlement of public affairs, should be levied from bishop and chapter lands. In proportion as their demands were exorbitant, his concessions appeared insignificant; but in the secret instructions to his commissioners, conscience and policy are represented as the motives of his inflexible adherence to the rights of the church. As he deemed episcopacy to be essential to its existence, so he was bound by oath neither to invert its government nor invade its patrimony; and from the reciprocal obligations, of the king to cherish and protect the church, of the church to assist and support the king, the dependence of the clergy was requisite for the preservation of the crown itself²⁰. Episcopacy was indeed

²⁰ Charles' Works, 147. Rush. vi. 173. 865. 945.

blended and interwoven with his faith, but the obligation attached to his coronation oath was a fastidious pretext. His predecessor's reign and his own had been spent in an uniform struggle to subvert the Scottish church; nor could he believe that the reformation, when introduced into England by the authority of the legislature, was established by a breach of the coronation oath.

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The Scottish commissioners were intent on the promised reformation of the church, and indifferent to the state. If assured of indemnity for the past and security for the future, the parliamentary commissioners were indifferent to the church²¹, and in return for satisfactory concessions on the other articles, some abatement might be expected in their religious demands. But whatever security was requisite for either party, augmented the danger or mistrust of the other; and the same powers conferred on each, would resolve into an armed and precarious truce. The king proposed that the militia should be vested for three years, in ten commissioners appointed by parliament, ten by himself, and then revert to its former channel. It was rejected as a dangerous and insidious armistice; dangerous from the hostile interests and divisions of the commissioners, which might preserve the national dissensions alive and rekindle the war; insidious as the parliament would be divested of its present superiority, and after a short term, of its future security. The unconditional demand of the militia was reduced by the two houses to

The militia.

²¹ Clarend. ii. 989—94.

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seven, or to three years after a general pacification, when it might be adjusted again between the parliament and the king; and an act of mutual oblivion was offered, as a full and adequate security for his adherents²². The power of the sword might have been entrusted to parliament, and after a limited period, restored to the crown, but from those conditions, however easily incorporated, neither party was disposed to recede.

Ireland.

On the third proposition, the two houses required that the cessation in Ireland should be declared void; that the war there should be prosecuted under their directions; the administration entrusted to their care; and no peace nor truce concluded without their consent. The cessation expired in a month, and there was no cause nor pretext for its renewal, if the present treaty were happily accomplished. The reduction of Ireland might unite the arms, and exhaust the surviving animosities of England; and on this important and popular article, the king and parliament were expected to concur. Not a single concession was proposed by Charles. No consent was offered to the prosecution of the war, nor could the parliament obtain an assurance that peace was not then in agitation, nor about to be concluded with the Irish insurgents²³. The debates were artfully diverted to the necessity of the cessation which had almost expired; the time allotted for treaty was consumed in recrimination, and from conferences productive

²² Whitlock, 128. Rushw. vi. 895.

²³ Rushw. vi. 904, 5.

of no conclusion, the commissioners departed with mutual disgust. BOOK
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When the correspondence with the queen, and the proceedings of the commissioners are impartially examined, it appears that Charles was secretly averse to the treaty, and apprehensive of its success. There were articles which the parliament might relinquish, others from which its adherents would never recede. Instead of a fair compromise and a mutual understanding, every concession was weighed and scrupulously adjusted by his conscience, which prohibited an alteration in the church, or circumscribed by a false honour that rejected an accommodation with his subjects upon equal terms; principles meritorious perhaps in an individual, but if placed in competition with the public welfare, ruinous to a prince. His commissioners were studious of difficulties, and endeavoured by every minute embarrassment to obstruct a conclusion. They were purposely selected as the most unpliant and tenacious of their instructions²⁴,
and

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Failure of
the treaty.

²⁴ See in Rushw. vi. 946, and in Charles' Works, 148. his correspondence with the queen intercepted at the battle of Naseby. "Esteem me as thou findest me constant to those grounds thou leftest me withal." Id. 144. "I assure you my commissioners are so well chosen, that they will neither be threatened nor disputed from the grounds I have given them, which upon my word is according to the little note thou so well rememberest." These grounds then had been concerted before the queen's departure, and the whole correspondence betrays an aversion to treat on different or more equal terms. The parliamentary leaders have been accused of garbling the letters, which, if true, might have been corrected at the time,

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and their negotiations' can be compared to nothing else than the debates of a popular assembly, not intended to convince the audience, but to operate on the public through the channel of the press. During the whole of the treaty at Uxbridge, Charles was engaged in secret negotiations, and employed that treaty to procure a clandestine peace with the Irish; which affords a sufficient explanation of his inflexible refusal of every concession respecting Ireland, and a proof that the treaty itself was insincere. But the queen had already negotiated on the continent, for an army of ten thousand men under the duke of Lorrain: an equal number was expected from Ireland: the king was still possessed of half the midland counties and the entire west; and the progress of Montrose, which was much exaggerated, had inspired an undue confidence in the success of his arms²⁵. It is to this circumstance alone, that the parliamentary commissioners ascribed the miscarriage of a treaty, from which they had anticipated a very different result. The earl of Southampton, a commissioner from Charles, posted from Uxbridge, and in conjunction with others, knelt and implored the king to submit before it was too late to the necessities of the times. His assent to the most material propositions was obtained; but before the instructions

by publishing the originals in the queen's hands. But the king himself, in a letter to secretary Nicholas, acquits them of any material omission or error.

²⁵ Id. 144, 5, 6—9. See the negotiations at length in Rushworth and Dugdale.

- were

were signed, a messenger arrived from Montrose, whose dispatches announced a new and important victory; deprecated an ignominious accommodation with rebels, and promised confidently to march to his majesty's assistance with a gallant army in the next campaign ²⁶. On a sudden gleam of prosperity his resolution was altered, and his assent recalled. But the terms on which Charles condescended to treat, had been concerted before the departure of the queen, and her letters breath an ardent wish for the dissolution of parliament, which betrays the secret object both of his negociations and arms ²⁷.

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Montrose had withdrawn his troops from their fierce devastations in Argyleshire, towards Inverness, when he received information that Argyle himself, having collected his scattered clan, had advanced to Inverlochy; a castle situate at the western extremity of a chain of lakes that intersect the highlands, and extend from the German to the Atlantic ocean. His march was at once reversed, and by a secret and circuitous rout, through mountains still covered with snow, he returned on Argyle, the escape of whose breathless, and astonished vanguard prevented a surprise. It was night, and their forces continued to skirmish by moonlight, impatient for action. Argyle's are estimated at three thousand; but they were disheartened by the retreat

Victory of
Montrose.

²⁶ Burnet's Hist. i. 50. Welwood, 74. The letter is preserved by Welwood, p. 343. and was received by Charles before the end of the treaty, as appears from his correspondence with the queen; p. 148—64. of his works.

²⁷ Burnet's Hist. i. 145.

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or flight of their inglorious chieftain, who withdrew to his galley at a secure distance, to contemplate the approaching fight from the lake. At sunrise, he heard the trumpet of Montrose; he beheld the mortifying defeat of his forces, and the slaughter of his clan. Perhaps they were injudiciously arranged; the lowland troops divided on the flanks, could neither sustain the impetuous charge of the Irish, nor the highlanders in the reserve and centre, avail themselves of their undisciplined valour to restore the battle when abandoned by their wings. But irregular forces, however fierce in their assault, are seldom able to sustain an attack. They fled after a single discharge; pursued and slaughtered from the lake to the mountains, and the victory, in which fifteen hundred of the Campbells perished, was achieved as usual almost without the loss of a man. The most potent and numerous of the mountain septs was crushed by the defeat, and the highlands in every direction were open to Montrose. But his influence appears to have been extremely limited, and confined to Athol and a part of Braedalbin; to the Stewarts of Apin, and the Macdonalds of Glengary, Glenco and the isles. Even these were less actuated by personal attachment than animosity to the Campbells; nor were the clans in general, who maintained in their rude independence an happy indifference to prerogative and religion, inclined or attracted to his victorious banners²⁸.

²⁸ Wihart. Baillie. Spalding, ii. 270.

His former expedition to Inverness was resumed, but the town, which is placed at the eastern extremity of the lakes, and commands the northern avenue to the highlands, was fortified and garrisoned by two veteran regiments, who defied the siege or assault of irregular troops. On descending into Murray, he was joined at last by the Grants and Gordons, but his victories, though not as formerly stained by cold and deliberate bloodshed, were dishonoured by an unprofitable, vindictive cruelty, productive only of similar revenge. According to an approved maxim in civil dissensions, whoever refused or declined to assist his cause, were confounded with his enemies²⁹; their lands were indiscriminately wasted, their houses plundered and burnt to the ground. Elgin, Cullen, and Banff were abandoned to pillage. Stonehaven, amidst the entreaties and outcries of the inhabitants, was consigned to the flames, by the inexorable Montrose; and from an example of his lenity, some inadequate conception of his rigour may be formed. When the earl of Findlater's house was plundered, stripped in his presence of every moveable article, and about to be burnt, he consented at the intercession of the countess, in consideration however of a large ransom, to spare it for fifteen days, till the return and submission of her husband might preserve it from the flames. It is with reluctance that impartial history pursues a hero through the footsteps of a vulgar, oppressive chieftain; but in reviving the

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His devastations.

²⁹ Clarend: State Papers, ii. 189.

barbarous

BOOK IV. 1645 barbarous practices of the former century, in propagating the royal authority by fire and sword, Montrose was ignorant of what was due to civilized society, and forgot that once he was a rebel himself.³⁰

The military and external transactions of Scotland, have obscured the civil and domestic affairs of the year. The first triennial parliament was held according to its original appointment, and prolonged by adjournments when the covenant and treaty with England were confirmed. During the recess of parliament, the supreme authority, civil and military, devolved on the committee of estates. The commission of the general assembly, improving on the example, usurped and abused a discretionary authority over the church. But the great object of national concern, next to the eventful success of the war, was the progress of its commissioners in the assembly of divines. The solemn league and covenant had associated not only the nation, but the church, with England, in every religious transaction, as well as in every civil negotiation or military enterprise. The doctrines and discipline of the presbyterian church, were propagated successfully by its commissioners in the Westminster assembly of divines, whose conclusions are connected by a double tie with the history of Scotland, as they are still incorporated and preserved by the church, in the articles of its faith. But its progress was opposed in the assembly, and obstructed throughout England, by the independents now

³⁰ Spalding, ii. 273—6, 7, 8: 83—5.

a conspicuous sect and a distinguished party, to whose origin, institutions, and character, our attention is due.

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Independ-
ents.

Each sect in its turn has explored the gospels, in quest of the primitive form of the Christian church. The puritans discovered that bishops and presbyters, overseers and elders, were originally equal, and the terms interchangeable, till the first was appropriated to the president of a congregation or synod, elevated in due course of ecclesiastical usurpation, above his co-presbyters. But as each sect beholds its opinions faithfully reflected in the mirror of the gospels, a bolder class of enthusiasts, more impatient of intolerance, had found that before the institution of a regular presbytery, the congregations themselves were independent and equal. The apostolical churches planted in Jerusalem, Corinth and Ephesus, were regulated by pastors freely chosen, instructed occasionally by lay-prophets, and united only by the ties of charity and a common faith. According to this early, evangelical model, they rejected the indelible character of an established and distinct order of priesthood; placed the choice and admission of pastors in the congregation at large; indulged the indiscriminate exercise of preaching, and permitted an unrestrained secession whenever their numbers or dissensions required a separate church³¹. Their defection from the established church, escaped not the severe vigilance of Elizabeth's ministers. But their ab-

Their ori-
gin.

³¹ Robinson's *Apologia Brownistarum*.

horrence"

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horrence of its rigid discipline, was increased by the sufferings and execution of their clergy³²; and the most opulent fled to Holland, the only secure asylum from the persecution of the age. Their infant church was established there by the toleration of the magistrates; but it was abandoned by Brown, their inconstant leader, and almost dismembered by a fruitful principle of division and decay. It was restored by Robinson, a temperate and learned divine, who reclaimed the sect from the sullen intolerance contracted under its former persecution; renewed its communion with the reformed churches; retrenched or appropriated the gift of prophecy to a chosen few; and abolished the name of Brownists; a name justly odious from the defection of their founder, whom the hopes of ecclesiastical preferment had attracted to England. Under the more honourable designation of independents, a part of the sect was restored to England in the reign of James, and continued many years to endure alternately the severity of the laws, and to elude the jealous observation of the prelates. The remainder of the congregation was diminished by the death of the older members, and in danger of being extinguished by the intermarriage of their children into Dutch families. A select portion embarked for America, to perpetuate their declining

³² Copping and Thacker were put to death in 1683, Barrow and Greenwood in 1592. What is singular and perhaps unexampled the two former were executed for circulating a publication for which Brown the author was pardoned, released from prison, and afterwards preferred. Neal's Hist. Purit. i. 375—89. 558.

society in a distant land. They established themselves at New Plymouth, the first settlement in the province of Massachusetts, to which the puritans were soon driven by persecution, and attracted by civil and religious freedom. They were visited by the younger Vane, who became a secret proselyte, and was elected governor of Massachusetts; but the puritans, after his departure, revived the persecution from which they had fled themselves. Rhode Island, Connecticut, Hampshire, were peopled by the fugitives, who preserved in their new settlements the spirit of toleration that distinguished their sect. When their brethren in London, on the meeting of the long parliament, after subsisting secretly for twenty years, were revealed to public view, some of their choice preachers returned to England, with new hopes and a fixed antipathy to the established church³³.

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Their progress was rapid, as their tenets were equally adapted to gratify the most enlightened, and the most enthusiastic minds. With them the visible church was neither an abstract idea, nor an empty name. Each congregation was a separate church; each church was erected on a separate rock, and the members first engaged by a solemn covenant, with united hands, to walk together in the paths, and to observe the ordinances of religion hitherto manifested, or hereafter revealed. They proceeded then to appoint a pastor and elders, by a

Institutions.

³³ Neal's Hist of New England. Hist. of the Puritans, ii. 47. 128. Hutchieson's Hist. of Massachusetts. Robertson's Hist of America.

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general suffrage, and the imposition of their own hands. To him their choice was sufficient ordination ; to them alone he was pastor ; to other congregations a mere layman ; and this lax association constituted a church of divine institution, independent on others except for advice, or excluded from their communion if obstinate in its errors. Marriage was resigned to the magistrate as a civil contract ; the tithes, vestments, and ceremonies of the Mosaic law were alike rejected ; and their pastor, whose sacerdotal character commenced, and expired with his office, subsisted on the voluntary contributions of his flock. The extent of a congregation was limited to the numbers that might meet conveniently in the same place. But as two or three might assemble together, seven were esteemed sufficient to complete a church ; and as each member might separate if dissatisfied with the others, the principle was not more fertile in divisions, than productive of new seminaries for this prolific sect. As theirs was a voluntary association of saints, a single member might oppose the admission of a proselyte, till convinced of his regeneration ; but this contracted regulation superseded the more intolerant and fallible use of confessions and creeds ; and when the scriptures were the indiscriminate standard of faith, belief in Christ the sole test of orthodoxy, hard indeed was the lot of that outcast with whom none would associate, and whom no congregation was disposed to receive. In the churches of Rome and England, the Christian community was an hierarchy ascending like the
sacred

sacred gradations in heaven. In the presbyterian, it was a Spartan commonwealth, where the priests were saints and alone equal, the people sinners and alone degenerate. According to the independent system, the Christian community, parcelled out into separate churches, united by slender yet comprehensive ties, was a federal republic where each member held an active situation, and every speculative tenet found a secure retreat ³⁴.

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Enthusiasm was congenial to a sect, whose rapturous devotion was neither assuaged by the stated observance of ceremonies, nor restrained by ordinances, confessions, or creeds. But the most distinguished attribute, and in that age the reproach of their sect, was religious toleration ³⁵. Without assuming to themselves any temporal authority, they denied the right of the civil magistrate to interpose in the religious and speculative opinions of mankind. Satisfied with the spiritual powers of admonition and excommunication, of which the one was more freely, the other more sparingly and temperately administered, they were the first Christians who adopted in adversity, and maintained the principles of toleration during the prosperity of their

And character.

³⁴ Neal's Hist. of Puritans, ii 108. Hist. of New England, 62. 74. 126—71. Baillie's Dissuasive from the Errors of the Times.

³⁵ Toleration is the incessant reproach, re-echoed by Baillie, Rutherford, Edwards, and every writer against the independents. The presbyterian, having been once a persecuted, became naturally a persecuting religion on its triumph; a general principle, from which the independents form a singular and honourable exception.

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sect. "Their mind," says a philosophical historian, "set afloat in the wide sea of inspiration, could "confine itself within no certain limits; and the "same variations in which an enthusiast indulged himself, he was apt, by a natural train "of thinking, to permit in others³⁶." It is difficult to resist a solution so truly ingenious. But its authority is impaired by an obvious consideration, that amidst the revolutions, and incessant fluctuations of religion, no system has yet inspired that extreme zeal, of which mild and tolerating sentiments are the natural result. A better reason is contained in the peculiar form of their ecclesiastical institution. They had searched their scriptures for the earliest model of the primitive church; but from the loose texture, and imperfect union of independent congregations, persecution was impracticable. When expelled from one congregation, the offender might obtain easy access to another, or establish a separate church of his own. The civil authority could neither be appropriated, nor lent occasionally to their different churches; and when the necessity of toleration was once acknowledged, its benefits were soon recommended by an influx of proselytes from every persecuted or afflicted sect. The antinomian, who believed that however criminal their actions, the truly elect were incapable of sin; the anabaptist, whose inoffensive doctrine, that baptism should be practised by immersion, on adults susceptible of a religious vow and a rational obligation, was

³⁶ Hume's Hist.

odious

odious from the former excesses of his sect on the continent ; escaped into their churches, and from this indulgent liberty which the conscience enjoyed, their sudden rise and prosperity may be derived. Their numbers were as yet inconsiderable ; in London they were not supposed to exceed a thousand ; but these were mostly of rank or eminence, distinguished in parliament, in the assembly of divines, and in the committees for the city and associated counties. Contrary to the progress of other sects, the independent system was first addressed, and apparently recommended by its tolerating principles, to the higher orders of social life. It was in the progressive state of the sect, when in danger from the persecuting spirit of the presbyterians, that it descended to the lower classes of the community, where other sectaries begin their career. There, perhaps, it contracted a deeper tinge of enthusiasm. In some congregations, it imbibed from the Anabaptists, those religious doctrines which are most adverse and irreconcilable to civil society ; the community of goods, and the approaching reign of the saints on earth. Such excessive fanaticism was peculiar to a few, nor were the doctrines of their clergy in general, which were strictly calvinistical, different, except in ecclesiastical government, from those of the reformed church. Their learning was distinguished in the assembly of divines, and as their moderation is still conspicuous in its debates, it is difficult to conceive how the same men should also exceed the presbyterians in the opposite extreme of enthusiastic zeal. But the

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effects on
society.

democratical spirit of its ecclesiastical policy was imbibed by its adherents, and the republican principles that began to predominate in the state, were abetted by religion ³⁷.

A sect that disavowed the obligation of tithes, rejected a consecrated and distinct priesthood, and restored mankind to their religious liberties, was obnoxious to every established church. From the share of its political adherents in the destruction of monarchy, it was equally odious to almost every historian. Its genius and institutions have therefore deserved a more ample explanation; but the philosopher, whose researches extend beyond the province of history, endeavours to explore its effects on society, had it been universally adopted and permitted to subsist. On this question, two of the most illustrious philosophers of the age have differed ³⁸. From the interested diligence and zeal of the clergy, to conciliate adherents by every novelty, and to inspire a mutual abhorrence in every conventicle, the one concludes that their subsistence, instead of depending, as in other liberal professions, on a gratuitous recompence derived from their votaries, must be secured by public salaries, and a fixed establishment; that their interests may be reconciled with the peace of society; their indolence bribed, and their zeal disarmed. From the same principles the other maintains, that the active or interested zeal of religious teachers, becomes dangerous only or troublesome then, when the state is at-

³⁷ Baillie's Diffuasive. Clarend. v. 115.

³⁸ Hume's Hist. iv. 30. Smith's Wealth of Nations, iii. 198.

tached to one, or divided into two or three extensive sects, and the clergy, acting in concert, are actuated by mutual subordination and discipline. Were the number increased, and society itself subdivided into some hundred, or some thousand sects, the teachers of each little congregation, surrounded by adversaries far more numerous and powerful than their adherents, would be compelled to adopt that mutual respect, and to cultivate those virtues of moderation and candour, which are unknown to religions whose tenets are countenanced or enforced by the civil magistrate, and revered by the multitude; and whose clergy perceive none around, but an obsequious crowd of followers, disciples, dependents, and friends. From the mutual concessions necessary to be made by each diminutive sect, the greater part would be reduced in time to a pure and rational worship, free from imposture, superstition, or fanaticism, such as the wise have ever wished to see established, but positive institutions still subservient to popular delusion, have ever counteracted. The truth of this philosophical doctrine, is confirmed by a general historical observation, that enthusiasm is invariably the prevailing vice of a rising sect, superstition the disease of an established, degenerate church. Where a new system respecting our future welfare, has engrossed the understanding, the imagination and the passions expand on the subject: the three most powerful principles of the human frame are stretched by mutual reaction to their utmost, and are productive of that sublime and contagious frenzy which

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maddens from resistance, and for some generations may last undiminished. When the novelty ceases, the enthusiasm decays. It declines into superstition, where religion is fixed and preserved by rites, prohibitions, ceremonies, sanctimonious observances on which the mind may fasten when its fervour has abated; or subsides into a placid and calm indifference, which constitutes the happiest state of enlightened society³⁹. By a singular felicity, the speculative truths of philosophy have been verified throughout that extensive continent, to which the independents originally fled for refuge. From the western shores of the Atlantic, to the banks of the Ohio, the citizen chooses his own altar; the sect provides for its own pastor; and from independent congregations, connected by no discipline, nor cherished by the partial support of the state, an harmonious moderation is the universal result.

Assembly
at West-
minster.

The independents were not numerous, in the assembly of divines. The episcopal party, some of

³⁹ The ferocious and irresistible enthusiasm of the Jews, on their eruption from the desert, disappeared before the captivity, and has degenerated into a sordid superstition, fixed and perpetuated by exclusive rites, and the prohibition of whatever is common or indifferent to the rest of mankind. The Mahometans emerged from the same deserts. Their victorious fanaticism has also degenerated into the superstitious performance of ablutions, fasts, and the stated returns and attitudes of prayer. The milder zeal of the first Christians was lost in the ceremonious devotion of a corrupt church. In proportion as the reformers chose to recede from its pageantry, their institutions rose to an enthusiastic fury, or relapsed into a bigoted attachment to the functions, vestments, or rank of the priesthood, and the ceremonies, prayers, and confessions of the ritual.

whom

whom the parliament had impartially selected, declined to attend. Another party was formed by the learned Selden, a few statesmen and temperate divines, who proposed to restore to the magistrate the coercive powers which the church had assumed, and to reduce the pastoral functions to exhortation and prayer. Such rational and just conceptions were stigmatized as Erastianism; Erasmus, a German theologian, who first maintained, that the clerical office and character were limited to that persuasive authority, which an ancient philosopher might acquire over the disciples who frequented his school. But the puritans were the most numerous part of the assembly. They were inclined at first, to such a moderate, and limited form of episcopal government, as subsisted among the humble bishops of the primitive church. Episcopacy was superseded however by the covenant, and abolished before another form was prepared; and the deliberations of the assembly on this important question were protracted by the delays of the independents and Scots. Actuated by the spirit of an exclusive religion, the Scots were determined to admit of no toleration, and studied artfully to avoid a rupture, till the presbyterian system should become familiar, and acquire credit and support from the progress of their arms. The independents despaired of toleration, and apprehensive of a second exile, endeavoured to prolong an interregnum so propitious to the rapid growth of their sect. Church government therefore, as pregnant with divisions, was postponed to a directory for public worship, and a form of ordina-

Its labours.

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Directory.

tion ; and a confession of faith was reserved to conclude the labours of the assembly of divines ⁴⁰.

Whatever was esteemed superstitious or ceremonial in the English ritual, was proscribed in the directory. The clergy were instructed in the most pregnant topics of extemporary prayer ; the people were admonished to abstain from private adoration, genuflexions, or obeisance on their entrance into church, and to join in concert with that inward grace which is alone acceptable to the ear of God. The cross, and the intervention of sponsors, were prohibited in baptism ; the ring in marriage, which was permitted during the interdicted season of Lent ; confession and absolution were denied the sick, the dead were deprived of the funeral service, and the altar stripped of its rails, was removed from the east and reduced to a table. This last alteration was productive of the most ridiculous disputes. The independents, who concluded that, in communicating sitting, there was no necessity to approach a table, maintained that the sacrament should be administered by the clergy uncovered as servants, and without exhortations, to the communicants covered and seated as guests in their pews ⁴¹. But the power of the keys, or the terms of admittance, excited a fiercer dispute with the Erastians, who demanded an open communion, accessible at his own peril, to every sinner. The sabbath, dear as a moral observance to the puritans, was sanctified by the

⁴⁰ Neal, iii. 52. 139. Baxter's Life, 139. Baillie's Letters, 402—8—13.

⁴¹ Baillie's Letters, i. 441. ii. 27. 31. Dissuasive, 122.

directory, and festivals were abolished as an odious encroachment on the reverence due to that sacred institution. The demands of the church and of the army required a permanent form of ordination, but the Erastians disputed whether the gifts imparted to Timothy, by the hands of the presbytery, afforded sufficient grounds for presbyterian ordination; and the independents, who limited the extent of a presbytery to a single congregation, acknowledged the authority, but protested against the interpretation of the text. Such were the questions that for some years continued to agitate a venerable synod, and to occupy the most learned men of the age ⁴².

Men, in their hatred of innovation, desirous of a scriptural foundation for their faith, are apt to adjust the most indifferent and important concerns by the same unerring rule. If the first reformers proposed to assimilate every civil establishment with the Jewish theocracy, it is not surprising that the puritans endeavoured to adapt their discipline minutely to the gospels. The presbyterians and independents concurred in opinion, that the scriptures exhibited to future ages, the true model of an ecclesiastical government whose institution was divine. In the establishment of congregations they also con-

Church government.

⁴² Neal's Hist. Puritans, iii. 151. 276. Lightfoot's Remains, Preface, p. 10. Among other questions equally important, it was debated for three days, with profound erudition, whether widows might be admitted to officiate as deacons. At last it was determined by an apposite text, that widows of sixty were qualified for the church. Id. 40. Baillie, i. 410.

curred,

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curred, but the divine right of a classical presbytery was the source and signal of dissension and schism. The Erastians asserted the supreme authority of the civil magistrate; the independents vindicated the divine right of their own congregations; and the contest subsisted for thirty days; fifteen in which they advanced as assailants to the charge, fifteen in which they maintained a defensive war. Whether there was a classical presbytery in Ephesus, whether the church of Jerusalem consisted originally of a single congregation, were the questions to which their debates were confined; but it may be truly affirmed that ecclesiastical assemblies display the abuses, rather than the use or enjoyment of reason. An accommodation was earnestly recommended by the commons; an indulgent toleration was solicited by the independents themselves. But the presbyterians were determined that no schism should exist in their church; which they hastened to pronounce a divine institution, in its various forms of congregational, and classical assemblies or presbyteries, provincial, national, and œcumenical synods. The independents complained pathetically to the public; but the Erastians, who acquiesced in presbytery as agreeable to scripture, or adapted to the state of the nation, prepared in parliament to assert its dependence on the laws, and the exemption of other sects from its intolerant control. The conclusions of the assembly remained to be sanctioned in each kingdom; and as the articles of the English church were inadmissible in Scotland, an uniform confession of faith was prepared,

Confession
of faith.

pared, according to the utmost rigour of the calvinistical decrees ⁴³.

The spirit of persecution which the assembly manifested, reduced the independents to despair. They petitioned parliament for leave to remain undisturbed at home, as they knew not where to find a secure, or convenient retreat. The indulgence which they demanded was reprobated by the Scots as a connivance at soul murder, and the puritans were determined never to tolerate this spiritual suicide, by a criminal relaxation of the reins of discipline. The former obviously relied on the influence to be derived from their arms; the latter on their ascendancy in the two houses, and the independents had no prospect of refuge but a second exile, more difficult from their numbers, and a return to the desert, more severe and intolerable from the ingratitude of their confederates. Their political leaders were far from deserting the cause as desperate. They were instigated to the most unjustifiable arts, by the stern rigour of the presbyterians, whom, with profound dissimulation, they prepared to undermine. We discern their secret negotiations with the court, after the treaty at Uxbridge, and their offer of more liberal terms to Charles; but their chief attention was directed to the army, by the example of the Scots. Their progress there was facilitated by the want of chaplains, who had mostly retired after the battle of

⁴³ Neal's Hist. Puritans, ii. 78. Lightfoot, 23. Neal, iii. 280. Journal of the Westminster Assembly, by Gillespie, MS. Advocates' Library.

Edgehill, to the enjoyment of their livings and peaceful abodes. Military and religious discipline were incorporated by the Scots, and the ministers allotted to each regiment, had established their beloved presbytery in the camp itself. As the English presbyterians were less provident, the officers were permitted to assume the pastoral staff, in the absence of the chaplains, and to preach and pray till the armies were filled with sectaries, and Manchester's forces were converted into independents by Cromwell⁴⁴. But their views were not yet accomplished, while their enemies retained the command of the armies, or their authority in the state. The parliamentary generals were not unjustly suspected, of a reluctance to reduce the king to extremities; the members who had engrossed the chief employments, were accused of an aversion to terminate a lucrative war. The unmolested retreat of the royalists from Dennington castle, had excited public inquiry, and the dissensions of the commanders required a material alteration in the armies. When the commons had resolved into a committee on the deplorable state of the kingdom, and the conduct of the war, Cromwell, instigated by the intrigues of Essex and the Scots for his removal, interrupted a profound silence by a bold and unexpected declaration. Unless the members themselves, by the sacrifice of their offices and emoluments, should evince that they had no interest to prolong the war, he declared that the de-

⁴⁴ Neal, iii. 309. Baillie, ii. 122. Baxter's Life, 51.

feration of the people, impatient of its burdens, would oblige them to conclude a dishonourable peace. A proposal by which his rank and command in the army were apparently renounced, was applauded by the independents as disinterested in the extreme; nor resisted by the presbyterians with sufficient fortitude. Conscious of the monopoly, they were anxious to regain their popularity by the dereliction of power. A *self-denying* ordinance was framed, to exclude the members from every civil and military employment; but it was rejected by the peers, till the earls of Essex, Manchester, and Denbeigh, withdrew from an invidious contest and resigned their command⁴⁵. The importance of the question was then imperfectly understood, nor is it yet determined in government, whether the members of the representative order should be admitted to the offices and emoluments of the executive power. Their original exclusion might have proved beneficial, had the parliament known how to preserve the fidelity of the generals, and the obedience of the troops. But the religious enthusiasm of the soldiers was a distinct principle from their allegiance, or attachment to civil liberty; and in the hands of an ambitious com-

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Self-denying ordinance.

⁴⁵ Whitlock, iii. Clarend. v. 551. Rushw. vii. p. 415. I have preferred his and Whitlock's account, who were present, to Clarendon's more artificial narrative of a concerted plot between the city preachers and Sir Harry Vane. The city preachers were presbyterians almost to a man. Clarendon's account of parliamentary proceedings, as his information was derivative, is generally erroneous. See Harris' Life of Cromwell, p. 112.

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New model.

mander, might operate as a dangerous instrument against the state.

The armies, in consequence of the ordinance, were modelled anew. Sir Thomas Fairfax was appointed general, with permission to name his own officers; a dangerous privilege which, from the dissensions of the armies, was conceded with less reluctance to his unblemished reputation. Under the direction of Cromwell, who, on the resignation of the other commanders, had been artfully employed in a distant expedition, and afterwards, at the request of Fairfax, retained for the campaign, the armies were formed into new regiments, and, by the disinterested retreat of the disbanded officers, the new model was introduced without resistance among the mutinous troops. An exact and rigid discipline was immediately established. As the new officers were chiefly independents, in whom the spiritual and military vocations were united, the soldiers were daily edified by exhortation and prayer. When they marched, the fields resounded with psalms; wherever they were quartered, the pulpits were usurped by those military rhapsodists, the tone of whose martial, and inspired devotions reduced the feeble notes of the clergy to contempt. That disciplined enthusiasm which renders an army truly invincible, was at first depreciated. Little success was expected from troops so lately recruited, and commanded by officers whose experience was comparatively of a recent growth⁴⁶. But it is observable in national con-

⁴⁶ Baillie, ii. 95. Rushw. vii. 17. 48. Whitlock, 135.

vulsions,

vulsions, that every new faction displays additional vigour and energy, and in military transactions, the talents of a consummate general are less the result of long experience, than of genius, and constant meditation on the subjects of experience.

The campaign was delayed, by the new model, till the approach of summer, when the king and Fairfax marched, in opposite directions, to the relief of Chester and Taunton, which were respectively besieged. The siege of Chester was raised on the report of the king's approach. Taunton, almost reduced to ashes, was relieved by a strong detachment, which was mistaken for the van-guard of Fairfax' army; but the royalists discovering their error, returned to the siege, and invested the detachment from which they had retired. While Fairfax was recalled, by the committee of the two kingdoms, to the siege of Oxford, the Scottish army was directed to advance, and oppose the progress of the king in the north. A part of that army was employed in the siege of Carlisle; a part was recalled to suppress Montrose; no provision had been made for its march or subsistence, nor were the generals satisfied with the new model, in which every Scot was industriously displaced. They advanced however to Rippon, but when intelligence was received of the king's design to penetrate into Lancashire, and dispatch prince Maurice, with a body of horse, to co-operate with Montrose; they removed into Westmorland, not only to cover the siege of Carlisle, but to prevent a dangerous expedition into Scotland. The present

Campaign
begun.

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sent expedition had been undertaken by Charles, at the instigation of Prince Rupert, against the Scots; to regain possession of the north, and revenge the dishonour of Marston-moor. But his arms were attracted to the siege of Leicester; within a few hours a breach was effected; after an obstinate resistance, the town was stormed, with much carnage, by a furious assault; and the inhabitants suffered all the nocturnal excesses, revenge, and rapine of the licentious troops. The disaster excited such general clamour, that the siege of Oxford was immediately raised, and the army marched to give battle to the king. Its approach was discovered, by an accidental rencounter at night with his rear. A reinforcement of two thousand foot was expected from Wales, and another of four thousand horse from Taunton; yet whether from the impetuosity of Prince Rupert the general, or from the difficulty of disengaging the rear by a retreat at midnight, a resolution was hastily adopted to fight next day⁴⁷.

Battle of
Naseby.

Early in the morning, the two armies were discovered at Naseby, on opposite eminences arranged for battle. Their numbers were almost equal; but the royalists were impressed with an unjust, and dangerous contempt for the new model, and mistook the movements of the enemy for a retreat. Instead of awaiting an attack on advantageous ground, they advanced in a rapid, yet not disorderly march to the charge. The engagement

⁴⁷ Rushw. vii. 28. 118. Baillie, ii. 103—6. Clarend. iv. 649.

was

was begun by prince Rupert on the right; and Ireton's opposite wing, although frequently rallied, was broken as frequently, and entirely overthrown. Its reserves were routed; and its general, charging with his last brigade, was wounded, unhorsed, and compelled to surrender. The king improved the advantage with consummate ability, and his main battle ascended the hill to a close encounter; but the encounter of the infantry was fierce and doubtful. Skippon's division was disordered, and driven behind the reserves; but the battle was restored by Fairfax, and the royalists had already begun to recede, when their flank and rear were assailed by Cromwell, and the confusion that instant became irretrievable. Impetuous, nor less irresistible than prince Rupert, he had overthrown and driven the adverse wing to a distance from the foot; but prince Rupert had continued the pursuit to Naseby, or stooped to summon the park of artillery, which was strongly guarded, while Cromwell, leaving some troops to disperse the fugitives, returned to assist his friends, and decide the victory by a timely charge. A single battalion was all that remained unbroken, till assailed a third time, in front and rear, by the general himself. On the return of prince Rupert, the king endeavoured to rally his broken squadrons, and renew the battle. "One charge more," he exclaimed, "and we recover the day." Not a man remained to sustain the approach of the enemy, who had resumed their ranks. The cavalry retreated in disorder, pursued

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to Leicester ; the infantry were utterly routed and dispersed ⁴⁸.

This victory is almost an exact counterpart of the battle of Marston-moor ; and a repetition of the same dexterity or faults in the commanders, betrays the imperfect state of the military art. But the recent improvement in discipline is observable. The royalists were impetuous in their onset, but were seldom restored to order even when successful, or brought to a second attack on the same day ; whereas the new-modelled army, even when routed, immediately rallied and returned to the charge. Their victory was accordingly complete. A thousand of the parliamentary forces, seven hundred of the royalists, perished in the field ; but of these an hundred and fifty were officers ; five thousand were taken prisoners ; the artillery and baggage were entirely lost, and the infantry dispersed and irretrievably ruined. The king's cabinet was also taken, and to aggravate his misfortunes, his correspondence with the queen was published, to disclose his insincerity in the treaty at Uxbridge, and his secret negotiations on the continent and in Ireland. Instead of attempting to form a junction with Goring in the west, he retreated from Leicester, with the remains of his cavalry, precipitately into Wales ; and neglected the only means to restore his army, and retrieve his defeat ⁴⁹. Had he recalled his garrisons, and abandoned the unavailing defence of fortified places, a formidable army might

⁴⁸ Rushw. vii. 42. Clarend. iv. 656. Whitlock, 145.

⁴⁹ Clarendon, iv. 659.

have

have still been collected, and the parliamentary forces, if they attempted to occupy the deserted towns, must have ceased from active operations in the field.

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But the victory was diligently improved by Fairfax, whose progress westward was a series of uninterrupted successes. On the surrender of Leicester, he marched to the relief of Taunton, while Poyntz and Rossiter were dispatched with three thousand horse in pursuit of the king. At Dorchester, he encountered and persuaded the clubmen to disperse; an association of armed peasants, who affected to preserve neutrality and prevent depredations. At Langport he encountered Goring, who had advanced to dispute the passage of an inconsiderable river, and was so completely routed that fourteen hundred surrendered their arms. Bridgewater, a strong town regularly fortified, Bath and Sherwood, were successively reduced. But the eyes and expectations of each party were attracted to the siege of Bristol, where prince Rupert had undertaken to sustain a siege of four months. Instead of justifying the expectations which his character, and promises had excited, he capitulated as soon as his lines were forced, while the walls of the city were yet entire. The victorious army was then divided; Cromwell was employed in reducing the Devises, Winchester, Basinghouse, and preserving the communication open with London. Fairfax, advancing westward, entered Tiverton and Dartmouth by storm, invested Exeter, defeated Hopton, who had marched to its relief; and the

Successes of
Fairfax in
the West.

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remains of the royalists, pursued and surrounded at Truro in Cornwall, surrendered on the humane condition of being dismissed with a small gratuity to their homes. The prince of Wales, who resided in Devonshire during the campaign, retired to Pendennis, whence he escaped next year to the Scillies, then to Jersey, and at length rejoined his mother at Paris⁵⁰.

In the meanwhile the king had descended from Wales, with a design to penetrate into Scotland, and unite with Montrose. But his steps were pursued by Lesly with the Scottish horse. His progress was opposed in Yorkshire, by Poyntz and Rossiter. As every avenue to the north was intercepted, he broke into the eastern association of counties, roamed from Newark as far as Cambridge, and returned with reinforcements from Oxford, to the relief of Hereford, which was besieged by the Scots. From the influence and opposition of the independents, they had remained seven months without pay or supplies; and although they subsisted on the country at free quarters, it is rather surprising that their army was retained together, than that it was comparatively inactive during the campaign. On the surrender of Carlisle, they had advanced, by the invitation of parliament, to the siege of Hereford; but were disappointed in the promise of military stores and supplies. As a last effort they prepared to storm the place; when they received intelligence, at the same instant, of the king's approach, and of Lesly's departure

Siege of
Hereford
raised by
Charles,

⁵⁰ Rushw. vii. 49.

with

with their cavalry to Scotland, to resist Montrose. Their subsistence would be equally intercepted by the enemy's cavalry, whether they should succeed in the assault, or persevere in the siege; and without horse to interpose against the royalists, there was some danger lest their rear should be attacked, and their army defeated in the assault itself. Abandoning therefore the siege, they retreated northward, complaining loudly of the neglect of parliament, and the extreme necessity to which they were reduced. The soldiers were destitute of pay and clothing, and subsisted on apples, roots, and corns plucked unripe in the fields. At Hereford Charles projected the relief of Bristol, but was overwhelmed by the irreparable loss of that city, and in the first emotions of resentment, recalled prince Rupert's commissions, and sent him a pass to depart the kingdom. Chester still required his assistance, but in his march thither he was attacked by Poyntz. Affailed in the moment of victory, by the besiegers in the rear, he escaped into Wales, with the remains of the horse that accompanied him from Naseby, and returned to Oxford, despairing ever to join Montrose, on whose success he relied as his last support⁵¹.

Who is defeated by Poyntz.

If the highlanders had ever been united under a single chieftain, or desirous to migrate with their cattle to the plains, the more civilized and unwarlike provinces of Scotland, affailed at a moment of unsuspecting security, must have sunk an easy con-

Successes of Montrose.

⁵¹ Rushw. vii. 116. 123. 618. Whitlock, 160. Clarendon, iv. 691.

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quest beneath their arms. In their attempt to restore the succession of Charles, the present century has beheld a few clans advance towards the capital, and by their victories shake the empire to its very foundation. The numbers were still fewer, with which Montrose proposed to penetrate into England; yet so sanguine were his expectations before the battle of Naseby, that he renewed his promise, if supplied with five hundred horse, to conduct twenty thousand men to the assistance of the king³². The promise, which was too extravagant ever to be fulfilled, was succeeded by an uninterrupted series of splendid exploits. His progress was opposed at the Tay, by Baillie, who was recalled with six regiments from the army in England, and Hurry, a soldier of fortune, who had alternately served and deserted the parliament and the king. On receiving intelligence that they had repassed the Tay, Montrose advanced to the assault of Dundee, whose inhabitants had prepared for a vigorous resistance, on the assurance of support. Their barricades were surmounted, and the gates demolished; their artillery was turned against the town; and after an unequal conflict, the Irish were only averted from slaughter by intemperance and rapine. A quarter of the town was already in flames, and the whole would have been consumed, but the near approach of the enemy, who had descried his march, preserved his arms from this signal dishonour. His soldiers were with difficulty recalled from pillage; and he began to retreat at sunset,

Storms
Dundee.

³² Charles' Works, 154.

in the presence of a superior army, whose attack he sustained with considerable loss. Baillie and Hurry divided their forces, to prevent his return to the north, or his escape to the hills. But his march was silently altered at midnight, and passing between their divisions, by a masterly retreat from Aberbrothick to Brechin, Montrose was again lost and secured in the mountains⁵³.

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While Baillie, to retaliate his devastations, inflicted similar ravage and revenge on Athol, Hurry proceeded northward, to restrain his steps to the hills. He was followed, or rather pursued by Montrose; but returned from Inverness, reinforced by the garrison, and the earls of Sutherland and Seaforth. Instead of expecting the arrival and co-operation of Baillie, he advanced to Aldern, a village near Nairn, where Montrose had chosen an advantageous station, obscured by a rising ground from inspection. His arrangement was not less singular than the situation which he occupied. Centre or reserve he had none; the vacuity was supplied by his ordnance, and concealed by the village, through the avenues of which some troops were exhibited; the right wing, where his standard was placed to attract the enemy's attention, was protected by ditches and walls, and by an arrangement similar to that of Epaminondas at Leuctra and Mantinæa, his principal force was transferred to the left. On quitting its entrenched situation, his right was repulsed, but the left wing,

Battle of
Aldern.

⁵³ Rushw. vii. 228. Baillie, ii. 95. Wihart, ch. 9. Spalding, ii. 288.

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which he commanded in person, and on which he relied for victory, broke and routed the enemy's horse. Their unskilful evolutions disordered, and their flight exposed the foot to destruction. The new levies were soon dispersed, but the old and disciplined soldiers, who disdained or despaired of quarter, fought and perished without receding from their ranks. Two thousand were killed in the field; the loss of the conquerors was inconsiderable, or suppressed as usual, but their victory was sullied and abused by devastation⁵⁶.

Battle of
Alford.

On the approach of Baillie, they withdrew to the hills, but his forces were again injudiciously divided. His old soldiers were exchanged for recruits; and his infantry was reduced to thirteen hundred, when he was encountered by Montrose at Alford, on repassing the Don. His horse, which were first dispersed, were inferior in gallantry, equal only in numbers to the Gordons. His infantry, extended in a thin line without reserves, were outnumbered; overcharged in front by the enemy, arranged to the depth of six files; assailed by the cavalry in the rear, and after a desperate resistance, utterly destroyed⁵⁷. The victory was embittered by the death of lord Gordon, and may be ascribed not only to the superiority of Montrose, whose forces were inured for a twelvemonth to constant action, but to the indiscretion of the nobility on the adverse side, who constrained the reluctant Baillie to hazard an engagement. In England,

⁵⁶ Rushw. vii. 228.

⁵⁷ See his narrative in Baillie's Letters, ii. 264.

the ablest commanders were formed on the side of parliament during the war ; but it is observable that none were produced in Scotland, whose experience had not been acquired abroad. The regiments were mostly commanded by the nobility, of whom Montrose alone possessed military talents; and although they respected officers of established merit, their influence among the covenanters, as in the king's army, repressed the growth of military genius.

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While the north of Scotland was thus desolated by war, the south was afflicted with a destructive pestilence. The nation, languishing under these accumulated calamities, seemed to be reduced to the last gasp; but was sustained by the vigorous counsels of a single man. The talents of Argyle were less adapted for the field than the cabinet. The new levies were successively defeated; but his exertions were never once intermitted, to obstruct the progress, and prevent the junction of Montrose with the king. The parliament, in consequence of the plague, was transferred successively to Stirling and Perth; but a keen sense of dishonour was excited by the disasters sustained from a band of undisciplined highlanders, and Irish vagrants. Emigration and flight were severely prohibited. The nobility and gentry were ordained to arm, and a new requisition was made on the counties for ten thousand men ⁵⁶.

Exertions of
parliament,

The preparations of Montrose to fulfil his promise to Charles, were not less vigorous; and his

Montrose's
preparations.

⁵⁶ Rescinded Acts.

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His victory
at Kilsyth.

recent victories attracted, from every quarter, reinforcements or recruits. The army must be computed at six thousand, with which he emerged from behind the mountains ⁵⁷, and insulted Perth, where the parliament was assembled, and its troops, in the expectation of reinforcements, were securely entrenched. But the fury of the highlanders was again let loose. Wherever the Campbells were seated, fire and sword were employed for their extirpation; and the approach of Montrose to the Forth, is indelibly marked with devastation and bloodshed ⁵⁸. Stirling castle was protected by a strong garrison; but his army passed at a ford above, and in its progress southward, was overtaken by Baillie, at Kilsyth, a village adjacent to the Roman wall. There, the last and most splendid of his victories was achieved. Baillie, cautious from his recent defeat, had assumed a situ-

⁵⁷ He had three thousand at Aldern, (Spalding,) and after the battle of Alford was joined by Maclean and Glengairy, with seven hundred, by Macdonald with five hundred, by the Atholmen, Macgregors, Macnabs, and Farquharsons, and by Aboyne and Airley, with twelve hundred foot, and three hundred horse. (Wishart, ch. 12. Salmonet.) With every abatement for loss or desertion, his forces cannot be computed at less than six thousand. Wishart indeed reduces them to four thousand four hundred foot, and five hundred horse, at the battle of Kilsyth. But that fabulous writer uniformly diminishes the numbers and the loss, to exaggerate the exploits of his hero. In the present expedition he tells of twenty highlanders who routed three hundred, of twelve horsemen who defeated two hundred of the covenanters' horse, killing some and making prisoners of others.

⁵⁸ Guthry's Mem. 191. Stevenson, 1165. Statistical Accounts, xv. 169.

ation

ation where it was difficult to act offensively, but impossible to be attacked without the destruction of the assailants. Notwithstanding his remonstrances, that the fate of the kingdom was placed on the preservation of the army, his opinion was overruled by the committee of estates; and from a persuasion that the enemy prepared to retreat, his army was injudiciously removed to a situation better adapted for offensive operations. Before they were embattled, or the regiments had occupied their respective stations, the engagement was begun. The horse retired in disorder on the infantry; the decisive moment was seized by Montrose, and his army rushed at once to a general attack. The wild outcries, the savage aspect, and the furious onset of the Irish and highlanders, who fought almost naked, and which are formidable to the most regular, were ill sustained by undisciplined troops. They abandoned their arms for an unavailing flight; and were pursued to the distance of fourteen miles, with unrelenting rage. If the royalists are to be credited, not a man escaped out of six thousand foot. According to the most moderate computation, four or five thousand perished in the field; and this barbarous slaughter of the unresisting infantry, is sufficient to prove, that unless by those generous cavaliers, the Ogilvies and the Gordons, of whom the horse consisted, no quarter was granted in the pursuit⁵⁹.

⁵⁹ Narrative in Baillie's Letters, ii. 271. Wishart. Guthry. Salmonet. Crawford's Hist. MS.

Thus,

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His trans-
ient suc-
cess.

Thus, from a train of distinguished exploits, the result of a fortunate temerity combined with prudence, all Scotland was open to the victorious Montrose. The forces collected in the west and south, were dispersed on his approach. The principal covenanters fled to England or Ireland, and the towns endeavoured to deprecate his resentment by an early submission. His friends were released at Edinburgh, from a long imprisonment; and the city was preserved by a specious clemency, and a raging pestilence, from the chastisement which his troops were prepared to inflict. A few *incendiaries* were executed at Glasgow, which was secured from pillage by a secret reserve of loyalty, or more probably by an ample contribution. Moderation, however, was now necessary to conciliate the people, and encourage their submission to the royal cause. The marquis of Douglas, the earls of Annandale and Linlithgow, the lords Seaton, Drummond, Erskine, Fleming, Carnegie and other noblemen, embraced his party; his authority was enlarged by a new commission to act as viceroy, and a parliament was summoned to meet at Glasgow. The triumph of the royalists was complete, but of short duration; and it was obvious to more attentive observers, that the strength and the successes of Montrose were transient. He had overrun the country, in the course of a barbarous and desultory war, undertaken in the most desperate circumstances; waged by banditti, and supported by depredations; but had acquired no fortified place or pass, nor established any durable foundation in Scotland,

Scotland, and his authority never extended beyond his detachments, or the precincts of his camp. To afford a conscientious support to his friends, and a terrible example of vengeance to his enemies ; to treat the neutral as disaffected or hostile, were the severe maxims on which he conducted the war ; but the execution of these maxims had produced an impression of fear and hatred, which a sudden and suspicious clemency was insufficient to eradicate. The excesses of his soldiers had rendered his cause universally odious. Instead of the general submission, or that frequent resort which he expected to his standard, he was joined by few, the dependents chiefly of the marquis of Douglas, whose aid was more than counterbalanced by a sudden defection, which must be attributed either to the arrogance, or the envy, which his recent honours and promotion had inspired. The Gordons retired to the north in disgust ; the Macdonalds returned to secrete their plunder in the hills, or to execute some new scheme of revenge on the district of Argyle. Presuming on the uniform success of his arms, he advanced with a diminished force to the borders ; expecting a reinforcement of cavalry from England. But the national fortresses remained with the covenant, and there was reason to apprehend, that the kingdom, which had been lost by one battle, might be regained by another.

When the fatal battle of Kilsyth was reported in England, David Lesly returned by rapid marches, with his cavalry to Berwick, where the principal covenanters had fled for refuge. His design at first

Defeat at
Philip-
haugh.

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first was to intercept Montrose at the Forth, on his retreat to the mountains, but at Gladsmuir in Lothian, his march was suddenly reversed, on intelligence that the royalists were stationed in Ettrick forest, unconscious of his motions, and from their profound security easily surprised. His near approach was concealed by night. In the morning his army was discovered, within a mile of Selkirk, where the royalists occupied the adjacent woods of Philiphaugh. Whatever the abilities of the general, or the personal valour of the soldier could accomplish, was performed in this extremity by Montrose. His troops were outnumbered and attacked by surprise; but he endeavoured to retrieve the disaster incurred from the negligence of his scouts; sustained for some time an unequal conflict, and when his foot was broken by Lesly's desperate charge, he withdrew with a few horse, to regain the mountains by the rapidity of his flight. A thousand royalists were buried in the field. An hundred Irish were shot at a stake⁶⁰; and the covenanters are justly accused of abusing the privileges of victory, by historians who relate with unfeeling exultation, the massacre of six thousand at the battle of Kilsyth. Were these historians to be believed, the foot were disarmed by a promise of quarter, and at the instigation of the clergy, perfidiously murdered; the fugitives whom the peasants had intercepted and spared, were collected on a bridge with their wives and children, and by the direction of the committee

⁶⁰ Faill'e, ii. 164. Rushw. vi. 231.

of estates, precipitated into the stream. Their outrages, it is certain, were severely retaliated; the Irish were uniformly excepted from quarter in both kingdoms, as banditti proscribed by the laws of war; and it is extremely probable, that the prisoners were sometimes sacrificed by the fury of the soldiers, or more frequently by the revenge of the peasants and populace, when sent to those places which had suffered from their depredations⁶¹. But atrocities, which are credible only of the Irish massacre, are transcribed according to the credulity of authors, from Wishart the partial historian of Montrose; a writer less attached to veracity, than studious to frame and adorn a panegyrical romance⁶².

⁶¹ Burnet, i. 52,

⁶² Salmonet and Guthry were ashamed to transcribe the last story from Wishart, of the prisoners thrown alive into the Tweed. The fact is, that from Berwick to Peebles there was not a single bridge on the Tweed, (See Pont's Maps in Bkau's Atlas,) and father Hay is obliged to transfer the scene to Linlithgow bridge, above forty miles from the field of battle. Memoirs MS. Advocates' Library. The first story is evidently founded on the execution of the Irish; a fact attested by Rushworth, and sufficiently inhuman; but they were uniformly treated, in consequence of the Irish massacre, as troops who neither gave nor received quarter. But the same historians, who relate the massacre of the prisoners who surrendered, and of the fugitives who escaped from the field, would persuade us that the horse were preserved by flight, and that the foot consisted only of five hundred, of whom two hundred and fifty rejoined Montrose. Such, in extenuating their hero's loss, is their judicious allowance for massacre, and the carnage of the field.

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Execution
of the roy-
alists.

But the fury of civil wars, when the battle has ceased, is almost invariably reserved for the scaffold. The number selected for execution was reduced to six; president Spottiswood, the archbishop's son, sir William Rollock, the attendant of Montrose from England, colonel Nathaniel Gordon, sir Philip Nesbit, Ogilvy of Innercharity, Guthry, the bishop of Murray's son, Murray the earl of Tullibardines brother. Their crimes were found in those sanguinary laws against state offences, which are still flexible to the interpretation, and subservient to the interests of the prevailing party, still cruel and inexorable to the unfortunate; but by which the adherents of each may alternately suffer. The execution of Spottiswood was peculiarly unjust. He had framed, or brought the commission to Montrose, and accepted the office of secretary, which the parliament had formerly conferred on Lanerk. He was convicted therefore, of an obsolete treason, because he impugned the authority of the three estates; but his sentence may be more truly ascribed to the prostitution of his judicial character in the trial of Balmerino, and the suspicion to which he was obnoxious, of corruption on the bench⁶³. Lord Ogilvy would have shared

⁶³ Baillie, i. 71. Parl. 1584, ch. 130. "That none presume to
" impugn the dignity and the authority of the three estates, or to
" seek or procure the innovation or diminution of the power and
" authority of the same, or any of them, under the pain of trea-
" son." So concise, yet at the same time so comprehensive, vague,
and arbitrary, were the treason laws of Scotland. This act was
passed

shared the same fate; but escaped by exchanging cloaths with his sister in prison. The parliament was importuned by the vindictive zeal of the clergy, but resisted the farther effusion of blood; and instead of forfeitures, established a fixed composition, on which the delinquents obtained their release⁶⁴.

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Montrose himself, when the defeat appeared irretrievable, had retired to Peebles, and collecting two hundred of his fugitive horse, continued his retreat or flight across the Forth and Tay, till secured in Athol from the danger of pursuit. But his reputation among the Highlanders was ruined by his defeat. The Gordons were alienated or restrained by Huntley, their invidious chieftain, who had emerged from concealment; and resented the authority conferred on Montrose as derogatory to his own. A few troops were collected with which he harrassed the covenanters, and attempted to join Lord Digby from England; but his former army was never restored, and his actions are unequal to the reputation of his former exploits. Digby and Langdale had undertaken, on the report of some doubtful advantage, to penetrate from Newark, with fifteen hundred horse, to the assistance of Montrose; but the attempt was desperate after

passed to preserve the episcopal estate in parliament, against the efforts of the presbyterians, and employed for the execution of Spottiswood its most active partisan. The earl of Argyle was afterwards executed on the same act, "to the reproach of justice."

⁶⁴ Burnet's Hist. i. 53. Rescinded Acts. Wihart.

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his defeat. They were defeated by Copley at Sherburn, and again by the Scottish garrison at Carlisle; and unable either to advance, or to retreat from Dumfries, the commanders embarked for Ireland, and left the remains of their forces to disperse⁶⁵.

Glamor-
gan's trans-
actions.

To conclude the misfortunes of this disastrous campaign, the last and most unpopular support was detected, on which Charles relied. The Scottish forces in Ulster, who rejected the cessation, and the English who acceded to the covenant, had maintained their situation, and continued even to wage an offensive war, when deserted and weakened by the connivance of government with the Irish insurgents. The benefits expected from the cessation were lost to Charles, when the forces which he had withdrawn from Ireland were dispersed by Fairfax. To obtain the assistance of the native Irish, in England, as well as in Scotland, was the object of his secret treaty with their agents, who attended at court, and of the peace which Ormond his lieutenant was instructed to conclude. Their terms, however, were extravagant. They would neither confide in a verbal assurance of future satisfaction, nor without relinquishing the protestant interest, could he openly accede to their religious demands. Lord Herbert, the marquis of Worcester's eldest son, a catholic, connected with many Irish families, was created earl of Glamorgan, and invested with the most secret and extraordinary powers. He

⁶⁵ Burnet's Hist. Rushw. vii. 130—4. Clarend. iv. 718.

was instructed to negotiate with the confederate Irish, and conclude such articles, "as it were unfit for the king at present to acknowledge publicly, and in which his lieutenant Ormond could not be seen." The commission was granted under his privy signet, without the approbation or knowledge of his council, that his just designs, says Glamorgan, might take effect, or that the commission might be disavowed if discovered, and his honour preserved⁶⁶. While Ormond was assiduously employed at Dublin, to moderate the demands of the confederate Irish, Glamorgan concluded a secret treaty with their council at Kilkenny, and confirmed the public exercise of the catholic religion, the jurisdiction of their priests, and the enjoyment of the ecclesiastical revenues and churches which they had acquired since the insurrection commenced. Ten thousand men were stipulated in return to assist the king; but before the public and ostensible treaty was concluded with Ormond, the secret transactions of Glamorgan had transpired. The articles were found on the titular archbishop of Tuam, who was slain by the Scots at the siege of Sligo. Glamorgan was arrested, to avert the obloquy of a treaty ruinous to the protestant interest. His commission was publicly disavowed by Charles, who protested, that he was merely entrusted with credentials for raising forces, and instructed not to negotiate without the directions of Ormond;

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⁶⁶ Clarend. State Papers, iii. 201.

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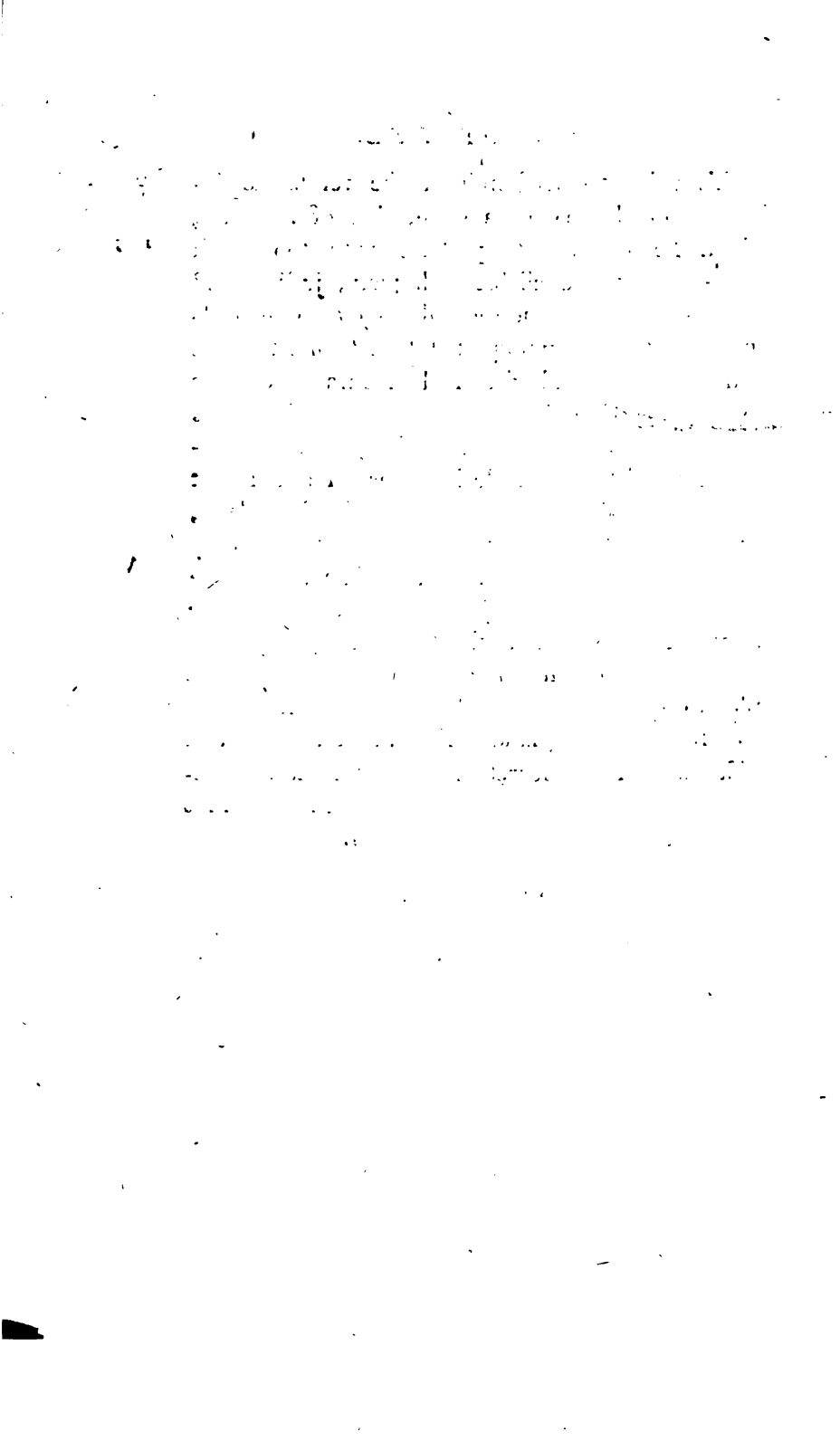
much less to resign the religion and property of the church⁶⁷. Professions so repugnant to appearance, were generally disbelieved. In the opinion of the people, the king's attachment to popery was attested by the unreluctant sacrifice of the protestants in Ireland; and his share in the transactions of Glamorgan is still a controverted subject of historical doubt. There are two circumstances which afford the strongest presumption, that the powers conferred on Glamorgan, and the concessions with which he was entrusted, were of the most unlimited, and according to the sentiments of the age, of the most unjustifiable nature. His release was almost immediate; and he experienced, instead of any abatement of favour, the most unbounded affection; was employed to resume the same negotiations; encouraged by an assurance that the instructions to himself, and the promises made to the popish nuncio, would be fulfilled by Charles; and at a period still more disastrous, received a secret intimation, confirmed by the most solemn asseverations, that as he alone, amidst an universal defection, had continued faithful, the king would neglect no opportunity to escape into his and the nuncio's hands. But the silence of Clarendon is a decisive proof. He had examined the whole transaction, and after the restoration, exacted a minute explanation from Glamorgan himself. But

⁶⁷ It was publicly disavowed, in a declaration to parliament, and privately, in a confidential letter to Ormond. Rushw. vii. 222. Carte's Life of Ormond, ii. App. p. 12.

in his private correspondence, he refuses to dishonour his history by a vindication of measures, which he considered, perhaps with too much asperity, as irreconcilable with piety, justice, and prudence, and one of those stratagems peculiar to the king⁶⁸. The unexpected success of Montrose and his Irish auxiliaries, had encouraged Charles to employ the milder, yet more romantic genius of Glamorgan in a similar mission; and notwithstanding his solemn declarations, he did not scruple to establish the catholic religion in Ireland, provided the English parliament were subdued by its arms. His commissions to Glamorgan were granted on the eve, and at the conclusion of the treaty of Uxbridge, while his armies were yet unbroken, and his hopes entire; before the urgent plea of necessity could justify the introduction of the Irish into England. But the discovery and disavowal of the secret treaty, retarded the succours expected from Ireland, till his circumstances were too desperate to admit of relief.

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⁶⁸ See Note XI.



THE HISTORY OF SCOTLAND.

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Situation of Charles.—His escape to the Scots.—Negotiations at Newcastle.—Departure of the Scots and Surrender of the King.—Mutiny of the English Army, and Seizure of his Person.—Negotiations with the Army, the Parliament, and the Scots.—Engagement, Second Civil War, Invasion, and Defeat of the Scots.—Trial, Death, and Character of the King.

DURING the winter season, the situation of Charles was truly deplorable. The judicious caution observed in the former, had been abandoned unnecessarily in the last campaign. In one rash and fatal engagement, the strength and fortune of his arms were irretrievably ruined; the rest was a rapid succession of defeats, in which the remains of his forces were separately consumed. His garrisons

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were almost all reduced or invested, without a prospect of relief, or the means of retreat. When Montrose was vanquished in Scotland, the last hopes of the royalists were extinguished; and on the defeat of Astley, during his march to Oxford, the last appearance of an army was dissolved.

As every military resource had been tried and exhausted, no alternative remained for Charles, but an immediate peace, or an unavailing resistance, till surrounded and taken. From the prosperous situation of its affairs at present, he could not expect that the parliament would mitigate the rigor of its former demands. Nothing less than submission almost unconditional, could preserve even a decent image of his regal authority; and as the whole would otherwise be lost or forfeited, true policy required that he should yield. Destitute of power, and exposed already to the mercy of his enemies, there was no place for a negotiation upon equal terms. The parliament would have been dissolved, and its authority utterly annihilated if his arms had prevailed. The operation of the same law was to be expected in return; and the king, who had performed his part with dignity, and was absolved from the consequences, might have submitted without disgrace to his fate.

His designs.

Unhappily for Charles, his mind was not yet prepared, and could never be persuaded, to yield to the iniquity of the times. He imagined, after an artful evasion of every former treaty, that an equal negotiation was still open when his arms had failed. Accordingly he solicited, by repeated messages,

sages, a passport for commissioners, and proposed a personal treaty with the parliament in London; but without any serious inclination to peace. His design, as explained in a letter to lord Digby, was to get to London on the honourable condition of being acknowledged king; but at the same time with the insidious expectation, "of drawing either the presbyterians or independents to side with him for extirpating each other; *so that I shall be really king again*." A subtle and dangerous policy, the concealed object of his future negotiations, and the cause of his destruction, escaped not the vigilant observation of parliament. The capital was filled with his adherents, and torn with dissensions, and from the insincerity which the publication of his cabinet had revealed, in the treaty at Uxbridge, every proposal for negotiation was rejected by the two houses, who signified that bills were preparing, his assent to, which would afford the surest pledge of his desire for peace. From the parliament his views were directed to the Scots; and however visionary his expectations to prolong the war, and engage the presbyterians and independents to extirpate each other, in order to restore his power; their dissensions had acquired an extreme violence, from a subject which, to them at least, was of the utmost importance.

The conclusions of the Westminster assembly of divines had returned from Scotland, sanctioned by its general assembly and parliament, but were

Presbytery
adopted.

* Carte's Life of Ormond, iii. Letter 433. p. 452. Rushworth, vii. 215, &c.

adopted

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adopted by the English parliament, rather as a religious experiment than a permanent institution. The presbyterian form of government was established for a time; to be reversed or altered if it proved inconvenient; but the parliament refused to render the church supreme, and independent of the state. That its forms were lawful, and agreeable to the word of God, was the utmost that could be obtained; and the power of the keys, by which the ignorant or unworthy were excommunicated or excluded from the ordinances of religion, was limited by an ordinance to certain degrees of ignorance and particular crimes. Was it not the duty of a shepherd, the presbyterians exclaimed, to restrain his flock from unwholesome pastures? and had not the sacramental symbols or elements a mystical and double efficacy, not only to regenerate the righteous to an eternal life, but to transfuse into the body, when unworthily taken, the guilt and perdition of an actual accomplice in the death of Christ? They were told that it was the duty of a faithful pastor, not to starve but to nourish his flock; or reminded that Judas sat with his master at supper; and in proportion to their impatience of the civil authority, their church was more straitly begirt with the laws. - From congregational and classical presbyteries to provincial synods, appeals were established, in due gradation, to the supreme assembly of the national church; from thence to parliament; and civil commissioners were ordained to determine, in each province, such scandalous offences as the general ordinance

But restrained by the laws.

ordinance had neglected to enumerate. Subordination among ecclesiastical tribunals was readily admitted, but appeals to the civil magistrate were deemed inconsistent with the divine right of the presbyterian church. Toleration, however, was still more offensive than even this jealous reservation of power. The independents combined with the Erastians in parliament, to procure a charitable indulgence for the tender conscience; but the presbyterians resisted liberty of conscience, as incompatible with the solemn obligations of the covenant to maintain uniformity and exterminate schism. The outcry was instigated and joined by the Scots, the remonstrances of whose assembly and parliament were surreptitiously published, with a preface which the commons ordained to be burnt. The latter professed their inflexible resolution, not to grant to ten thousand ecclesiastical judicatories an unlimited and arbitrary power, independent of parliament and inconsistent with the laws. But the public dissensions were not thereby appeased. The groans of the pulpit were reiterated from the press, and the new form of ecclesiastical government was never established, except in London and Lancashire, but rejected by the clergy as a lame and Erastian presbytery, defective in the requisite power of the keys. The presbyterians who had refused to tolerate or comprehend the independents within the pale of the church, endeavoured at the same time to prevent their secession, to suppress their congregations, and deprive the sectaries of a share of power; and were observed to manifest the

same

BOOK V. same persecuting spirit from which they had suffered, and so recently escaped themselves².

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Scots offended.

Besides these, there were other causes of deep offence to exasperate the Scots. The independent armies were amply provided; but theirs, whose assistance at first was so eagerly solicited, had been long neglected, and many months intervened without pay or supplies. Their commissioners, whose letters were intercepted and examined, and their remonstrances suffered to remain unanswered, were equally disregarded; and in proportion as their assistance became unnecessary, it was gradually declined in every public consultation. On the promise or advance of a month's arrears, their army was engaged in the siege of Newark, but an irritating resolution was passed by the commons, for the surrender of the cautionary garrisons, which they possessed in the north, and against the free quarters and contributions, which their necessities had exacted. The fact is, that the Scots themselves had provoked these offences, by their undue interference in English affairs. Not satisfied with the military aid, which in sound policy was due to parliament, they intermingled officiously in its private councils, like true zealots, to dictate their own religion to England. As long as their assistance was necessary, and the presbyterian interest continued to predominate, their friendship was respected and assiduously cultivated; but when the independents, to whom they were irreconcilable, acquired an

² Rushworth, vii. 205—12—20—56—60. Neal, iii. 298. Whitlock, 203. Selden's Table Talk.

ascendency

ascendency after the battle of Naseby, no terms of moderation were observed³.

Few princes, perhaps, could have resisted the temptation to profit from dissensions, which in a situation less desperate might have availed the king. But he had nothing left to contribute to either party, the name and contemned authority of a king excepted; and to recover his power by involving his enemies in mutual hostilities, was an expectation not less fallacious than dangerous in the experiment, and destructive to himself. The independents might promise a fairer toleration of episcopacy, the presbyterians a larger measure of regal power; but his good faith would become justly suspicious, and his design to prolong the war would be rendered odious, by such complicated intrigues.

His advances to these parties were entrusted to Ashburnham and Montreville the French resident. The independents were assured of his concurrence to exterminate the tyrannical forms of presbytery; but refused to separate their interest from parliament, or the public welfare: the presbyterians were not less attached to the covenants, nor less inflexible in their resolution to abolish episcopal power. Montreville, who had applied in vain to the Scottish commissioners, undertook an unsuccessful expedition to Scotland. On his return, his reception was more favourable, or his intrigues more successful in the Scottish army; yet whatever assurances were given by its generals, or confirmed by the

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dependents
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³ Hollis' Mem. p. 46. Rushw. vii. 125.

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English presbyterians, to whom the negotiations were communicated, must remain uncertain, notwithstanding the publication of his correspondence with the king. He engaged, in the name and on the part of the queen regent and the king of France, that Charles should be received as sovereign in the Scottish camp, where his conscience and honour should be respected and unrestrained; that his adherents should be protected, and his efforts to recover his lost prerogatives supported by the united arms of the Scots. The counterpart to this strange obligation, was a promise equally elusory from Charles, to grant full satisfaction respecting church government, when convinced that it was not against his conscience. An obligation in the name of the French king, might be ascribed to the punctilious aversion of Charles to treat in person with his rebellious subjects; but there is no trace of a corresponding obligation from the Scots to Montreville; to concur with his adherents in the support of his declining cause*. The most

* There is no trace of such obligation in Montreville's correspondence with Charles. Clarendon State Papers, ii. 220. 6. But he asserts, in his dispatches to his own court, that he had obtained a written engagement from the Scots, which they persuaded Charles afterwards to permit them to withdraw. Thurloe State Papers, i. 83. 4. This might be necessary in 1647 to assert to his court, as he was recalled in disgrace for engaging the French king's name on insufficient grounds. But that no such obligation existed is certain: 1. Because it is neither referred to in his engagement, nor once mentioned in his correspondence with Charles: 2. Notwithstanding its being withdrawn, Clarendon must have obtained a copy, with the other papers, from secretary Nicholas. Montreville's own engagement was withdrawn, yet a copy is preserved.

probable

probable interpretation of this obscure transaction is, that the king and the English presbyterians, who were uniformly consulted, had recourse to general assurances, and were mutually deceived. They expected a confirmation of presbyterian government. He anticipated the unconditional support of their allies the Scots, and signified to Ormond his extravagant expectations, that the latter would unite with Montrose to compel the parliament to sue for peace. They engaged, indeed, to escort him to their camp, but the treaty was interrupted by their refusal to receive his adherents, or co-operate with Montrose; and when they demanded a prompt or speedy confirmation of the presbyterian church, Montreville was again employed to instruct them in the sentiments of the presbyterians in London.

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From these circumstances it appears, that the English presbyterians urged the king to take refuge in their camp. The republican armies surrounded Oxford, and in a few days he must either endure a siege, or escape to the Scots. His departure was determined by the approach of the victorious Fairfax from the west; and on a vague assurance from Montreville, of the favourable disposition of the Scottish generals, he withdrew with two attendants from Oxford in disguise. His resolution was still undetermined, and his course uncertain. From Henly he proceeded to Brentford, and Hag-

Escapes to
the Scottish
camp.

April 27.

: Carte's Ormond, iii. 455; Letter 436. Clarendon State Papers, ii. 222-6.

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row-on-the-hill, within sight of London, hesitating whether to enter the capital, and commit himself at once to the discretion of parliament: but unhappily he relapsed into those ambiguous counsels, which could only serve to perpetuate its jealousies, and prolong his misfortunes. Ruminating on the sad events of his destiny, he consumed the time in unfrequented roads, approached the coast, and in vain projected to reach Montrose; but when every other resource was abandoned, he arrived at the Scottish camp, on the ninth day after his departure from Oxford⁶.

Scots retreat to Newcastle.

The surprise of Leven, and the perplexity of the Scottish commissioners, at his appearance, were undoubtedly sincere⁷. The intrigues of Montreville were entertained, it is probable, as a specious attempt to corrupt their fidelity, or repaid by assurances equally vague and specious; and they might assert, though with some reservation of the truth, that the arrival of Charles was an unexpected event; and assure the parliament, that no treaty or stipulation had previously intervened. Whatever were his expectations, they continued stedfast to their original engagements; procured his order for the surrender of Newark; and withdrew to Newcastle, to prevent the requisitions of parliament, or the movements of the English forces to intercept their return. Their retreat was an acceptable omen; but they guarded the king

⁶ Clarend. State Papers, ii. 223. Rushworth, viii. 267.

⁷ See Clarend. v. p. 22.

with

with vigilance, yet with every demonstration of external respect; and professed their inviolable resolution to adhere to the covenant, and employ the possession of his person to establish a happy uniformity and a durable peace. It was expedient for Charles to assure the parliament, that he retired from Oxford with no intention to disunite the two kingdoms or prolong the war; but the sincerity of these professions was detected and discredited by his letter to Ormond, (which was communicated by Monro to the Irish parliament,) that he meant to repair to the Scottish army on assurance of its assistance to restore his prerogatives, and in the expectation that it would unite with Montrose to compel the two houses to submit to peace. The Scottish commissioners disclaimed the imputation; and, in language which it is difficult not to believe sincere, denied the assurance to combine against parliament, or the existence of any public or private agreement whatsoever with the king⁸.

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⁸ Baillie, ii. 203-7. Rushw. vii. 268. 273, 4. "It doth consist with our perfect knowledge, and we declare it with as much confidence as we can do any thing, that the matter of the paper, as far as concerneth any assurance or capitulation, for joining of forces, or for combining against the houses of parliament, or any other private or public agreement whatsoever, between the king on the one part, and the kingdom of Scotland, their army, or any in their name, and having power from them on the other part, is a most damnable untruth." This explicit declaration, not a month after the king's arrival in their camp, deserves the more attention, as it was open, if a falsehood, to immediate detection, and ad-

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Civil war
concluded

His application to parliament was accompanied with an offer to surrender Oxford and his remaining garrisons, as a pledge of his earnest desire of peace. Their resistance could have served no purpose, and they submitted to Fairfax on honourable terms, which were religiously observed. Thus, at the distance of four years from the time when his standard was erected at Nottingham, the first civil war was extinguished in England; a memorable war, which is distinguished above all others by a mild and generous humanity, exempt from the vindictive fury of civil dissensions. Compared with the sanguinary proscriptions in the wars of York and Lancaster, with the horrors of the league in France, or even with the severity of the covenant, it reflects the highest credit on the motives of parliament, and a lustre on the character of the age and nation, of which its historians are unconscious, that a war, exasperated by religious animosity, terminated in the field without a single execution succeeding on the scaffold.

in Scotland.

The same orders to disarm were transmitted to Scotland. Montrose had formed an association with the earls of Sutherland, Seaforth, and other northern chieftains, and undertaken the siege of Inverness; convinced, when too late, that the possession of some fortified place was necessary to secure a retreat. The association was dissolved by

monished Charles to preserve the agreement, or, at least, some proofs of the assurance, which they denied. Baillie, in whose confidential letters to his brother-in-law, concealment was unnecessary, equally disavows an agreement or promise. ii. 213.

the first blast of the ecclesiastical trumpet; and when the versatile earl of Seaforth was excommunicated, the rest were impatient to deprecate the censures of the church. The siege of Inverness was dissolved by Middleton, from whom Montrose retreated with considerable loss. Such was the general defection of the highlanders, that he had projected an expedition, with a chosen party, to extort their military services by military severities, when orders were received from Charles to disband his forces and depart the kingdom. An indemnity was granted to his followers; permission to himself and his friends to retire to the continent. Notwithstanding the remonstrances of the clergy, the terms adjusted by Middleton were strictly observed; and after his forces were disbanded, Montrose was permitted to remain a month unmolested in Scotland⁹.

When the war had subsided, the conditions of pacification remained to be determined. The Scots endeavoured to mitigate the demands of parliament, but the militia, and the power to provide for its support, were required to be lodged with the two houses for twenty years. The other articles were not materially different from those proposed at the treaty of Uxbridge; that the king should accept the covenant, and confirm the present reformation of the church. But at this critical and decisive moment, the king was in no haste to answer the propositions which he had solicited, and

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tions at
Newcastle.

⁹ Wilsart, Guthry's Mem. 216. Burnet's Mem. 280.

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must have foreseen. His situation was every way desperate; the parliament every where victorious; but the Scottish commissioners in vain conjured him to accept the propositions as his only preservation, and Loudon the chancellor represented with a forcible and offensive freedom, that a powerful republican party expected his refusal, as a signal to bereave him, perhaps, of his crown and life¹⁰. Not to exasperate the parliament by an express refusal, he renewed his demand of a personal conference, and for nine months delayed to return a definitive answer; but his real interest and his motives so irreconcilable at this important conjuncture, deserve a more particular examination than they have hitherto received.

The king's
motives and
real interest.

It was not to solicit refuge alone, but with a more insidious design to detach the Scots from the interests of parliament, that he repaired to their camp, and expected to engage their arms in his service and support. Next to a frank unreserved submission, without respect to the divisions of parliament, perhaps the wisest policy was a steady and entire concurrence with the party which he proposed to gain. His friends admonished him, that to attach the Scots and the English presbyterians to his interest depended on himself. The former could neither be expected to embark alone in a desperate war, nor the latter persuaded to co-operate without a confirmation of their church government, his assent to which would alone suffice to create a party

¹⁰ Rushworth, vii. 309,—19.

superior to the independents, their mutual foes. BOOK
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Such was the judicious advice of his confidential ministers, which illustrates the sound policy observed by the Scots. It was not less dishonourable to desert their original engagements, or even in conjunction with their allies; to invert the original grounds of war, than improvident madness to undertake to restore his authority in England, unless assisted by a powerful party in the state. Their requisitions, therefore, were necessary, not to gratify merely their bigotry, but to accomplish the original object of their confederacy with advantage to the king. But the king was irreconcilable, and unable to accede to the covenant or the institution of presbytery, their sole bond of union with the English presbyterians, from whom every principle of honour, and every motive of true policy forbade them to separate. The prejudices of his early education were exasperated by his recent struggles, and confirmed by his misfortunes. He professed, in reply to his ministers, that in his eyes the change demanded in church government was worse and more erroneous than the Romish faith; for without episcopacy there was no lawful priesthood, no efficacious administration of sacraments, no acceptable service to God. To extenuate his own bigotry by political motives, he urged with a preposterous force of argument, that the genius of presbytery, which derived the supreme authority from the people, was irreconcilable with monarchy, fertile only in perpetual rebellions, and that the dependence of the church

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would be transferred from the crown to the two houses, or annihilated by the divine right which the presbyterians assumed. In vain did his friends remind him, that he had no choice between different systems of ecclesiastical polity, adverse or advantageous to regal power. His ministers represented in vain, that he must determine whether to remain the king of a presbyterian church, or renounce his crown from a vain predilection for episcopal government, with a certainty that another form would be substituted in its stead. They assured him, that if satisfaction were given in religion, the demand of the militia would be much relaxed; and in pathetic terms deplored the perverse fatality of their sovereign, who rejected the only means of preservation that remained. Their remonstrances could procure no more than a tardy proposal to establish the presbyterian government for three years; yet in this unsatisfactory concession the bishops of London and Sarum, two distinguished casuists, were consulted whether his assent to presbytery, for a limited time, could be justified and safely reconciled to his conscience, by a firm resolution to recover and maintain the episcopal church¹¹.

His controversy
with Henderson.

Thus, while prompt decision was requisite, the time was industriously consumed in a distant correspondence with his ministers at Paris, and in the expectation of some unforeseen deliverance or providential change. For the same purpose ap-

¹¹ Clarend. State Papers, ii. 243. 260—1. 277.

parently

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parently of delay, he engaged in a theological dispute with Henderson, in which the bigotry of the monarch, driven from scripture to the authority of the fathers, seemed to transcend the fanaticism of the presbyter, and almost to approach the verge of an infallible church. The infirm and aged Henderson did not survive the controversy, and his death was variously ascribed to remorse at his share in the popular commotion, the shame of defeat, or vexation at the obdurate heart of the king. Originally educated for the episcopal, he was early converted to the presbyterian church; and from his first opposition to the liturgy, was distinguished as a leading clergyman; learned in all the theological disputes of the age; moderate when compared with his fanatical brethren; eloquent above their allotted measure of divine inspiration¹².

When the king's answer, requesting a personal conference was reported to the commons, it was justly interpreted a refusal of their demands. The presbyterians were struck with apprehension; the independents, afraid that he might have closed with their enemies, were immoderate in their joy¹³.

Settlement
with the
Scots.

It

¹² Charles' Works, 75. Baillie, ii. 219. See Lord Hailes' Collection of Memorials and Letters, ii. 184. Those who ascribed his death to remorse, have triumphantly published his death-bed recantation—the forgery of a Scotch episcopal divine.

¹³ Burnet's Mem. 283. When the thanks of the commons were voted to the commissioners, a member remarked that more thanks were due to the king. On one member's observing in

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It has excited the surprise and suspicion of historians, that the presbyterians, if sincere in their desire to unite with Charles, or the Scots, if solicitous to restore his authority, should persist in conditions to which he was unable to accede. But their influence was insufficient to moderate the severity of propositions framed to gratify every party; in which it was necessary to fulfil the expectations of their adherents, and to obviate whatever difficulties their opponents suggested. Such was the temper of the commons, whom nothing less than a frank, unqualified assent could have satisfied, that it was difficult to prevent an immediate irrevocable declaration against the king. The consideration of his answer was delayed by an opportune proposal from the Scottish commissioners, for the departure of their army, and the surrender of their garrisons, on obtaining satisfaction for the arrears that were due¹⁴. The negotiation has been generally conjoined with another, for the disposal of the king, whose person the Scots are supposed to have retained as the pledge, and surrendered as the tacit consideration, and price of their arrears. The two houses had already claimed the exclusive disposal of his person; and as the Scots had no other expedient to recover their arrears, the transactions are considered as identical, though from motives of delicacy kept distinct.

private, what will become of us since the king refuses the propositions? another, an independent replied, Nay, what would have become of us, had he granted them?

¹⁴ Baillie, ii. 226.

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On this subject I am sensible, that there is equal danger of incurring, on the one hand, the imputation of national partiality and prejudice, or of acquiescing on the other, without due examination, too precipitately in the received opinion; but the fidelity of the historian will be absolved by an accurate explanation of each transaction in the order of time, the best criterion, perhaps, of historical truth.

The retreat then of the Scots, and the discharge of their arrears, were proposed in August, to prevent an immediate declaration of the commons against the king. Their demands exceeded a million, after the deduction of free quarters, contributions, and occasional pay, which were estimated by themselves at seven, and by the English at fourteen hundred thousand pounds. Their demands were exorbitant; but the deductions claimed by the English were not less unreasonable. A gross sum was proposed, and on the first of September the amount of arrears was fixed at four hundred thousand pounds; a moiety of which was to be advanced, before the departure of their army¹⁵.

Their arrears.
August 12.

Sept. 1.

On the eighteenth of September, the commons resolved, that the disposal of the king's person belonged exclusively to the two houses, but that no consultation nor dispute on the subject should obstruct the performance of treaties, or the return of the Scots. The resolution was communicated

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Disposal of
the king's
person.

¹⁵ Parliamentary Hist. xv. 67. Rushw. vii. 322. 6

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to the Scottish commissioners, and resented in a manner sufficient to demonstrate, that it had not entered into consideration in the settlement of arrears. At a solemn conference, Loudon, Lauderdale, and Wariston asserted their national right to an equal and joint share in the disposal of the king; maintained that their interest in his person was not determined by his residence in England, especially as they were parties, not auxiliaries, in the war; disclaimed the intention of conducting him to Scotland, as a measure obviously replete with danger; and proposed as a safer alternative, that he should be permitted either to return to parliament, or to reside with honour and safety at one of his own houses near the capital. Their speeches and remonstrances were surreptitiously published; but the printer was arrested, and the impression seized and suppressed. When republished afterwards by their connivance in Scotland, their arguments extorted a long vindication in return from the commons, who insisted that the king's person was included, while in England, within the jurisdiction, and subject to the disposal of the parliament alone. The question was certainly without a precedent¹⁶, but the answer of a single branch of the legislature was rejected punctiliously by the Scottish commissioners, whose conduct, in a dispute irreconcilable with the supposition of a tacit connivance, excu-

¹⁶ Parliamentary Hist. xv. 322—36. Guthry's Memoirs. It was compared by the fantastic eloquence of the times, to the contest for the dead body of Patroclus.

pates them from any previous compromise for the delivery of the king.

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Scottish
parliament
meets Nov.

The amount of arrears was adjusted in August, but when the Scottish parliament met in November, the disposal of his person remained undetermined. The duke of Hamilton, who had obtained his release on the surrender of Mount St. Michael, was received into favour, and employed to conciliate the estates to his interest; and it was still the unanimous opinion of his friends, as well as of the presbyterians, that he should accept the propositions, or afford full satisfaction, at least, in religion. Addresses had been presented from every quarter; the Scottish army, the commission of the church, and the committee of estates had petitioned Charles to establish religion according to the covenant; and Hamilton earnestly concurred in their representations, that the covenant alone would suffice for his preservation. Such was the estimation in which it was still held, that without violating his conscience by receiving it himself, if he had assented merely to an act for its confirmation in each kingdom, all Scotland would have declared in his favour, and, in the opinion of the presbyterians, few in England would have ventured to oppose the restitution of a limited power. But his obstinate and inflexible refusal of every proposition increased their mistrust, that he continued secretly devoted to the religious and political maxims of Laud, and desired admittance into Scotland with design to renew, and by the violation of their covenant, to involve the nation in

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in a dangerous war¹⁷. The intrigues of Hamilton were, therefore, unsuccessful. A vote was obtained by surprise, in a committee of the whole estates, to maintain the personal freedom, and hereditary right of their king to the English throne; but it appears that this untimely excess of zeal, from the alarm which it excited, was prejudicial to his cause¹⁸. The minds of men were variously agitated by the most opposite sentiments. It was represented by Hamilton, as repugnant to the covenant to abandon their sovereign, and dishonourable to the nation to resign their interest in an ancient, and long-established succession of kings. Was this a grateful return for his unlimited concessions before the war, or for the confidence reposed in their generosity, when he entrusted his person unconditionally to their protection? Were they prepared for the censures of the world, or aware of the danger to be apprehended from the party predominant in England, if his person were surrendered to his inveterate foes? But the resolution was no sooner adopted by the committee, than other sentiments began to prevail. That devoted and mixed attachment to the family and person of the monarch, which constitutes loyalty, and was never firmly established

¹⁷ Burpet's Mem. 277—81. 303—8. Baillie, ii. 242, 3, 53.

¹⁸ The partiality of bishop Guthrie is conspicuous, in omitting all mention of this vote, in order to asperse Hamilton, who procured it, with the suspicion of a treacherous connivance with the other party.

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in Scotland, had been lost in a succession of civil wars. It was still remembered, that the two first had been wantonly undertaken to deprive them of their civil and religious rights. If these were afterwards confirmed by Charles, what thanks were due for concessions which were meant as bribes, to lull them into an insecure neutrality, till the English parliament were suppressed by his arms; and which must have been revoked on its subjection, unless they had timely interposed in the war? What gratitude belonged to the unconditional refuge which he sought in their camp, when no choice remained but to surrender at discretion, and his only motive was to prolong the war by their resources and arms? The reception which he demanded in Scotland, on the return of their army, was dictated by the same design to involve the nation in a new war for his support. Whatever the event of such war might prove, their ruin was inevitable, whether the malignants, as the royalists were still denominated, should regain an ascendant, or the English succeed in chastising their perfidious dereliction of the covenant.

These considerations were enforced by a solemn warning from the commission of the church, that their assistance to restore the king was unlawful, unless the covenant and league with England should receive his cordial assent, and his subjects full satisfaction in their just desires. The parliament hastened to retract the vote of the preceding day. As a last unavailing effort, commissioners were appointed from each estate, to intimate to the king,

Its resolves.

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king, that unless the propositions were accepted, he had no reception nor assistance to expect in Scotland. Instead of returning a definitive answer, Charles, on the first notice of this resolution, renewed his application for a personal conference with the English parliament. He desired permission to proceed to London, or to reside with freedom at one of his own palaces in the neighbourhood; and the lords resolved, that he might come to Newmarket on the departure of the Scots, but the commons determined that Holdenby-house in Northumberland was fitter for his reception¹⁹.

Dec. 24.
Surrender
of the king's
person.

At this period we are informed by Whitlock, that a mutual understanding first began for the delivery of the king²⁰. The disposal of his person was every way difficult; his removal to Scotland was an event which the independents expected, and the presbyterians justly deprecated as the signal of a national war. It was dangerous to leave him exposed to the English army; and the wisest measure undoubtedly was to provide at once for his reception in London. Whether his return to the capital was opposed by the presbyterians, who were apprehensive of his intrigues, or by the independents, jealous of the possession of his person, must remain uncertain. But we are assured by one who was privy to the whole transaction, that Stapleton, Hollis, and the leading presbyterians were the chief instruments to persuade the Scots,

¹⁹ Burnet's Mem. 306—10. 393. Rushw. vii. 390.

²⁰ Whitlock, 235.

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to surrender the king into their hands and withdraw from England, as the only means by which the independent army, which had been kept on foot in opposition to theirs, could be securely disbanded, and peace re-established according to their desires²¹. Their army prepared accordingly to evacuate England, when a sum was provided for the discharge of half their arrears. Their parliament concurred in the removal of Charles to Holdenby-house, till a more satisfactory answer were obtained to the propositions for peace. Their arrears were undoubtedly due: the amount was ascertained before the dispute concerning the disposal, and the payment was undertaken by the English parliament, five months previous to the delivery of the king. But the coincidence, however unavoidable, between that event and the actual discharge and departure of their army, still affords a presumptive proof of the national imputation of having sold their king; "as the English, unless previously assured of receiving his person, would never have relinquished a sum so considerable as to weaken themselves, while it strengthened a people with whom such a material question remained to be discussed."

The necessities of their situation, or the danger of conducting him to Scotland, are no answer to this forcible objection. A better vindication is contained in the uniform tenor of their political conduct, and in the unvaried object of their most

Examined.

²¹ Baillie, ii. 257. compared with Hollis' Mem. 63. 69. and Clarend. v. 104. Whitlock, 224. See Note xii.

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secret intrigues. They had received the king, with no view certainly to renew the war, but in the expectation, and on the assurance of full satisfaction to the two kingdoms; and without a perfidious violation of their engagement with the English parliament, they could neither conclude a separate peace, nor embark in his defence, unless their joint demands were obtained. But they engaged to support and reinstate him on the throne, if their original demands were granted respecting the covenant and the presbyterian church, together with some satisfactory answer to the other propositions; and on this subject the importunities of their commissioners never ceased. The addresses of their parliament were reiterated during the months of November, December, January, while the disposal of his person remained in agitation. On the very eve of their departure, before the delivery of his person, their commissioners renewed the most earnest offers to conduct him to Berwick, and to procure more equitable terms from the English parliament, on his assent to the covenant, and the presbyterian government; and an immense bribe was proposed to Montreville, to obtain even a bare promise of his compliance with their religious demands²². The fact is, their situation was so peculiar that they could neither retain nor relinquish the possession of his person, without incurring the imputation of treachery to the parliament, or of disloyalty to the king. To the

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²² Thurloe, State Papers, i. 87. Burnet's Mem. 310. Rescinded Acts.

parliament,

parliament, at least, they were stedfast in their engagements; and their repeated offers, renewed at the period of their departure, to undertake his defence on the only terms consistent with their original engagements, their religious principles, or their political interests, should absolve them from the imputation of having sold their king, or retained his person as a pledge to extort their arrears.

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Their ill-fated monarch was received at Newcastle, and conducted to Holdenby by the English commissioners. Their army returned to Scotland, and was reduced without a murmur to a force sufficient for the protection of the kingdom, where hostilities were not extinguished by the departure of Montrose. The Gordons who refused to assist him, continued in arms; the Macdonalds who deserted his standard, were joined by the Irish, and continued their fierce depredations in Argyle; but the former were dispersed, and their castles successively reduced by Lesly; the latter retired on his approach, from Cantire to Isla; thence they escaped to Ireland, and at the instigation, it is said, of a sanguinary preacher, two hundred who remained in garrison were put to death²³.

He is delivered to the English.

On the return of their army the Scots became distant, but not indifferent spectators of the changing scene. Their eyes were stedfastly fixed on the transactions of England, with which their fate appeared indissolubly united; and they watched

²³ Thurloe's State Papers, i. 89. 92. Salmonet, 253, 4. Guthry's Mem.

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Discontent
of the Eng-
lish army.

the vicissitudes of its factions, with the trembling solicitude of partisans, rather than the jealous vigilance of a rival state. The history of the two nations continues inseparable; or if disparted for a moment, its waters are again blended and incorporated into the same stream.

Their forces had been withdrawn, to remove the last pretext for supporting an independent army, and they looked forward with anxious expectation for the execution of the design. While they remained in England, the independents were careful to appear submissive to government; and the presbyterians, confiding in their own strength and the authority of parliament, had proposed to disband a part, and to transport the remainder of the army to Ireland. The accumulated and oppressive burdens of the nation furnished a popular topic for reducing the army, but they were ignorant that the easiest task was to retain its obedience during the civil wars, the most difficult to resolve it afterwards into the mass of the people. The independents expected the event of their negotiations with Charles; and observing that their principal object was the extirpation of sectaries, were determined never to relinquish the possession of the sword. The officers, mostly raised from obscure situations, were unwilling, and probably unable, to return to their pristine occupations and poverty; the soldiers were equally averse to a dangerous and unprofitable service in Ireland; and such was the improvident security of parliament, that no provision was yet made for the discharge of their arrears.

arrears. But their allegiance was already shaken and subverted by religious enthusiasm, in the hands of their commanders a powerful instrument to estrange them from parliament; and when the soldiers and their officers were both devoted to a different party, it was impossible either to preserve their obedience, or to disband them without the destruction of their masters.

The first symptom of discontent appeared in a petition which was circulated from regiment to regiment, soliciting an indemnity for their conduct during the war, satisfaction for their arrears, and an exemption from being impressed for the service in Ireland. The commons resented a mutinous attempt to inspire the army with discord, and the parliament with terror. To suppress at once such dangerous combinations, they threatened to punish the promoters of the petition as enemies and disturbers of the public weal; but by this rash and dangerous experiment, the civil authority was committed to an unequal contest with the military power. The soldiers complained, that while every petition was encouraged against the army, they whose swords had recovered the national liberties, were deprived of the common rights of Englishmen to represent their wrongs; and when commissioners arrived from parliament, they renewed their demands of arrears, indemnity, maintenance in Ireland; and refused to engage in that perilous service, unless under Fairfax and Cromwell, their former commanders, whose successful conduct they had experienced so long. Their petitions were re-

Their mutinous petitions.

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sumed; and they requested in a tone of imperious humility, to be vindicated from the reproach of prescribing to parliament, or refusing to serve in Ireland till their desires were obtained. The magnitude, not the origin of the danger, was now perceived. The commons, who had voted to disband the army with six weeks pay, passed with the same precipitation to conciliatory measures; and Cromwell, Ireton, and Fleetwood, were dispatched to appease its distempers; members who, in opposition to the self-denying ordinance, had retained their command. Every disorder in the army had originated from their contrivance, and at their instigation a council of general officers was formed, and a separate committee of two agitators from each company, to collect a faithful report of the sentiments of the troops. The first resolves of this military tribunal were that the offers of the parliament were unsatisfactory; that no distempers but many grievances existed in the army; and from that moment its disaffection became incurable. The next enterprise, which was still more decisive, was suggested perhaps to counteract a vigorous resolution of the commons, that the troops who refused to embark for Ireland should be separately disbanded.

Seize the
king.

The king's refusal of the propositions was partly conscientious, partly the result of private overtures; or the hopes of better terms from the independents. His answer was received at the distance

Rushw. vii. 444-72-4-86-5-7-93. Hollis, 93.
Whitlock, 249-51-1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

of

of nine months ; and although it was far from corresponding with the demands or expectations of parliament, yet at this critical period there was some chance of an accommodation with the king. The lords had voted his removal to Oatlands ; and if the commons had concurred in the measure, the independents might have been disappointed, and the royal prize, which was still valuable, secured from their reach. At an earlier period of the dispute, he was requested to entrust his person to the protection of the army, on assurance of its assistance to restore him to the throne²⁵ ; and the agitators prepared to solicit, by a gentle violence, what the king from mistrust or apprehension declined. Joice, a cornet and a furious agitator, appeared with a party of horse at Holdenby, and as the guards refused to oppose or exclude their companions, forced his way at midnight to the door of the royal apartment. In the morning he required the king to remove to the army, and produced his soldiers when his instructions were demanded. The opposition of the parliamentary commissioners was unavailing, and on assurance of the most respectful usage, the king consented to depart for Newmarket, where a general muster

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June 4.

²⁵ Clarend. State Papers, ii. 365. Rushw. vii. 491. His answer is remarkable. " We will not engage our poor people in another war. Too much blood hath been shed already. " The Lord be merciful to my distracted kingdoms, when he " accounts with them for rebellion and blood." Clar. ibid. This humane declaration was forgotten in his engagement with the Scots, when the civil wars were renewed.

BOOK of the army was held. On the first notice of the enterprise, Whalley, a confidential officer, was dispatched with two regiments by Fairfax, to restore the king to the parliamentary commissioners, and reconvey them to Holdenby; but the king was resolute not to return; the commissioners, on his refusal, declined to act, and his reply next day to the entreaties of Fairfax, that he had as much interest in the army as the general himself, may confirm the transient suspicion of historians, that he was privy to its designs ²⁶.

Submission
of parlia-
ment.

The measure was secretly dictated by Cromwell, who had preserved the guise of a zealous presbyterian, and while he cherished and inflamed the discontents of the army, with profound dissimulation, impelled the parliament to the most dangerous extremes. When his duplicity began to be generally suspected, and a resolution was privately taken to commit him to the tower, he withdrew from London, to display his influence in the army, and his ascendancy over the unsuspecting simplicity of the general ²⁷. His troops were immediately in motion, and the consternation excited in the parliament and city, by their seizure of the king, was increased by their rapid approach to St. Alban's. The progressive encroachments of the army, the unavailing resistance and submission of parliament, are foreign to our design. The commons, unpopular from their heavy impositions,

²⁶ Whitlock, 253. Herbert's Mem. 22. Rushw. vii. 514—45. Fairfax's Mem.

²⁷ Hollis, 96. Ludlow, i. 165.

and

and unexampled duration, were content to yield. Their levies were dismissed, and the army, to preserve appearances, condescended to retire, when eleven members, Hollis, Stapleton, and the leading presbyterians, were excluded from their seats. The parliament proposed to temporise till the army was broken, but the army meant to reduce the parliament to more entire subjection.

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It was amidst these dissensions that the king regained a share of his former estimation, and enjoyed a near prospect of the return of power. His friends were admitted to his presence without reserve. His younger children were restored to his embraces. His former attendants were permitted to return, and his chaplains to resume their functions; an indulgence which the stern presbyterians had denied. The army guarded his person with vigilance, but endeavoured to secure his favour by the most flattering respect. On each side his favour was industriously courted, and apparently nothing more was requisite than to choose the party which was best qualified, or disposed, to restore him to the throne. The presbyterians apprehensive of an accommodation with their enemies, were inclined to relax in their demands, but they no longer retained the possession of his person, or the command of the sword. An accommodation with the independents who had succeeded to both, was preferable in every point of view; their demand of toleration was not inconsistent with a limited episcopacy, and in disclaiming the authority, their army had declared against the perpetual duration of the present

The king's
situation
favourable.

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sent parliament. Unhappily for Charles, he persisted in his resolution to close with neither; and while he remained a captive in the hands of his enemies, still expected to become sole umpire between the parliament and the army²⁸, and from their mutual dissensions, to recover his departed splendor and power.

His negotiations with the army;

The negotiations with the army were conducted by Berkley, and the proposals, framed by Ireton, were certainly the most moderate ever offered to the king. Episcopacy was neither required to be abolished, nor the militia entirely detached from the crown. The royalists were not devoted to ruin²⁹; but when the proposals were privately communicated to Charles, he objected to the exception of seven of his adherents from indemnity or pardon, the exclusion of his party from the

²⁸ "You mean," said Ireton to the king, "to be arbiter between the parliament and the army, but that office we mean to perform between your majesty and them."

²⁹ The proposals of the army exhibit a specious scheme both for the preservation of liberty and the settlement of the nation. Parliaments were to be triennially called, adjourned, and dissolved by the king. An equal representation, freely chosen, was to be proportioned according to the public contributions of the counties, and withdrawn from decayed or insignificant towns. The command of the militia, and the disposal of the chief offices of state, were lodged with the two houses for ten years. The coercive jurisdiction of bishops was to be abolished, together with every act for the observance of the liturgy, and every ordinance to enforce the covenant. With these limitations, the king was to be restored to the exercise of his regal power. Rushw. vii. 731. These were certainly the most moderate terms ever offered to Charles.

next

next parliament, and the silence of the propositions respecting the form of ecclesiastical government. Such unreasonable conditions, he observed with displeasure, would never be demanded if the army were sincerely desirous of an accommodation. Some distinction should be made, said Ireton, between the conquerors and the vanquished; nor would he consider himself or his party safe, if the royalists obtained a majority in parliament. If the propositions were less rigorous, Berkley justly represented that their sincerity might be distrusted; but that a crown so nearly lost, was never hitherto so cheaply restored; that the king, on an agreement with the army, might alleviate or even recompense the exile of the seven persons excepted from pardon; that it would be advantageous to his party to have no share in the next parliament, which the burdens necessary to be imposed would render unpopular and odious to the nation; that the church was still secured by the established laws, and the utmost to be expected was the silence of those who had fought for its destruction. Instead of assenting to those rational considerations, he renewed the same objections to the propositions when presented in form, received the deputies of the army with unexpected asperity; professed his resolution never more to abandon a friend, nor to treat without stipulating for the preservation of the church; and imputing their applications to the necessities of their situation, exclaimed repeatedly that they could not subsist without him, but that their ruin was inevitable without his support. When admonished

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admonished by a whisper from Berkley, he endeavoured to atone for his ungracious and passionate reception of the deputies; but Rainborough, the least desirous of an accommodation, had withdrawn from the conference, and his report to the agitators produced an impression which was never effaced. Berkley endeavoured to appease the ferment, and on demanding at a new conference, what benefit would result from the propositions, if rejected by the two houses when accepted by the king, the principal officers intimated not obscurely, that the consent of parliament should be extorted by force³⁰.

And with
Cromwell
and Ireton.

During the treaty with the army, whose proposals were thus contumeliously rejected, a subordinate intrigue was maintained with the generals. The lieutenancy of Ireland was promised to Ireton; to Cromwell, his father in law, the command of the army; the garter, and the vacant title of earl of Essex. They conjured Charles, through the intervention of Berkley, to assent to a speedy accommodation with the army; complained that he acted not frankly, on more liberal principles, and without reserve; expressed their gratitude for his refusal of the terms proposed by parliament, and their apprehensions that the troops, if disappointed in their expectations, would not long persist in

³⁰ Sir John Berkley's Mem. See also Clarendon, v. 72. who affects to depreciate Berkley's judgment. But if scrupulous in facts, his opinions are always apologetical, and here they are dictated by the different conduct which Charles adopted.

their

their favourable disposition towards the king. In these professions, their sincerity has been denied; but there is no sufficient reason to question their present design to restore his power. Whatever ambition or dissimulation they might possess, the parliament, the city, and the Scots, were combined against them, and it was impossible to foresee their own unexampled exaltation and success. A conjunction with the royalists seemed necessary for their preservation, but from the perception of that necessity, the king declined, or delayed to embrace their offers, and was induced, as will appear in the sequel, to indulge in all the dangerous refinements of double and triple negotiations and intrigues.

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The parliament had acquiesced, in the expectation of a favourable opportunity to recover its authority; but the violence of its adherents disappointed this judicious design. The command of the city militia was transferred to the independents, at the requisition of the army; but the citizens were instigated by the presbyterians to resist the change. An engagement was framed for the return of the king, and the two houses were constrained by the populace to revoke their ordinance respecting the militia, and to recall the secluded members to their seats. The tumult furnished a grateful pretext for the approach of the army, to vindicate the insulted freedom of parliament. Its members, unable any longer to temporise, endeavoured to prepare for a vigorous defence. But the two speakers withdrew by night, with nineteen peers and an hundred commoners; and invested with

Army enters London.

the ensigns of their office, were received in the army as the last pledge of expiring freedom. As Manchester and Lenthal were both presbyterians, their unexpected secession was justly ascribed to a firm persuasion that the army meant to restore the king³¹. The commanders were not inattentive to his interest. No sooner was the possession of London foreseen, than Cromwell and Ireton requested earnestly that a conciliatory letter, if not an acceptance of the propositions, should be sent to the army, to disclaim the tumults, and the imputation of returning to the capital by such unjustifiable means. They represented that a favourable declaration might reconcile the army to his interest, before the submission of the city was generally understood. But it is observable that the minutest concessions of Charles, as they were ever granted with suspicious reluctance, were ever postponed till the opportunity was past. Four councils were held, and a whole day was consumed in deliberation, before his signature was obtained. Commissioners had already arrived from the city; the difficulty with which the letter was procured had transpired, and its grace and efficacy were entirely lost³². When the army was admitted into Southwark, the pusillanimous citizens surrendered their lines, their militia, their forts, and the seceding members were restored in triumph; the eleven ob-

³¹ Clarend. v. 63.

³² Berkley's Mem. Rushw. viii. 753. Clarend. State Papers, ii. 373. Parl. Hist. xv. 205.

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Negotia-
tions with
the parlia-
ment,And the
Scots.

noxious members were expelled, and the servitude of parliament was confirmed by the sword.

At the requisition of the Scottish commissioners, the parliament resumed the propositions rejected at Newcastle, but the king recurred to the milder proposals of the army, as the basis of a conference and a public settlement. On this occasion, it appears that Cromwell, Vane, and Ireton, acquitted themselves with fidelity to the king³¹. They recommended a personal treaty and accomodation on moderate terms; but the suspicion of their intrigues, to procure a separate agreement for themselves, had excited a violent agitation in the army, and a vigorous and unexpected opposition in parliament. Whatever might be imposed on the members, the agitators were to be satisfied with nothing less than their original demands.

That the proposals of the army were declined by Charles, when so favourable from the tacit recognition of episcopacy, and the final return of the sword to the crown, must be ascribed to the fallacious expectations on which he relied. The duke of Hamilton was employed in Scotland, to prepare the minds of the people for his service; and the assurances of Lauderdale and the English presbyterians, of a general confederacy to resist the army, had inspired the most sanguine hopes of becoming sole umpire amidst their disputes. The earls of Lanark and Lauderdale had arrived as commissioners from the Scottish estates; and du-

³¹ Ludlow, i. 184.

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ring the negotiations with the army, a clandestine treaty was begun with Charles, on his removal to Hampton court. His designs are explained in his instructions to Capel; that a war might be soon expected between the two nations, in which the Scots had promised themselves the universal concurrence of the presbyterians in England, but unless his friends were also prepared to take arms, that little benefit could be derived from their success³⁴. The seizure of his person, and the subjugation of parliament by the army, the decline and contemptuous disregard of the covenant, which was treated as an old almanack out of date, had furnished successive causes of national disgust; and the foundations of an engagement were now laid³⁵, which involved the nations in mutual hostilities and a second civil war. Double negotiations are liable, even in the most prosperous situations, to the just reproach of duplicity and fraud. But in listening to double negotiations while a captive, Charles forgot the precarious tenure by which his life was held. Whatsoever designs may be inferred from the subsequent conduct of the independents or the army, their leaders had not yet forfeited the confidence which is due between man and man. They had reason therefore to complain of treachery; when they discovered, that during the dependence of their negotiations with Charles, a clandestine treaty with their enemies was commenced for their destruction. Such contemporary

³⁴ Clarend. v. 70.³⁵ Id. 72. Burnet's Mem. 323.

historians,

historians, as assert that Cromwell was seriously desirous of an agreement with the king, have ascribed his sudden defection to the fury of the agitators, which was so speedily quelled. The concurrent voice of tradition has preserved and attested a very different fact. A letter from Charles to the queen was intercepted by Cromwell, who discovered thereby, the correspondence which he maintained with each party, the insincerity of his offers to the leading independents, or his final intention to close with the Scots; and determined never more to confide in the king. The fact is confirmed by his expostulations with Alburnham, whom he upbraided with the intrigues and duplicity of Charles, his mistrust of the army and treaty with the Scots to involve the nation again in bloodshed; and protested that he was no longer responsible for the consequences that might ensue³⁶. From that moment the respectful attention bestowed on majesty, was converted into cold and rude neglect. The Scottish commissioners, and his counsellors who had determined against the army, were excluded from his presence; his friends were repulsed by the guards, and his liberty restrained.

Impatient of a situation full of inquietude, he escaped from Hampton court, but was conducted by his own choice, or the indiscretion of his attendants, to Carisbrook castle in the Isle of Wight. There he remained a prisoner in the custody of

The king's
escape to
Isle of
Wight.

³⁶ Clarendon, v. 95. See NOTE XIII.

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Hammond, expecting the result of the dissensions among the troops. The mutinies which the officers had excited in opposition to parliament, began to be directed against themselves. The agitators, when their meetings were discontinued, began to suspect their commanders, to project the most popular forms of government, and, were we to believe their adversaries, to meditate an entire equality of ranks and possessions. It may be speciously alleged that those invidious distinctions of rank, which the progress of society tends to generate, the operations of good government should rather serve to repress than perpetuate. Equality of possessions would counteract the security of property, one of the primary objects for which society was instituted; but the levellers, the name by which the soldiers tinged with a deeper enthusiasm were stigmatized, were quelled by the vigorous arm of Cromwell. At the head of some faithful troops, he required them to renounce their seditious badges; seized their ringleaders, whom he tried on the spot, and by a severe example reduced the rest to their wonted obedience. The opportunity was embraced by Charles to renew his correspondence with the general officers; but Berkley, his emissary, was received with contempt, and dismissed with a private intimation, that at a council of war at Windsor, a resolution was already formed for the trial of the king. The resolution was certainly premature, as the nation was not yet disposed to acquiesce in the event, and as it was agitated when the letter

letter to the queen was intercepted by Cromwell, so in all probability it was communicated industriously to deter the king from an alliance with the Scots. If, instead of a second unsuccessful appeal to the sword, he had continued seriously to negotiate for peace, we may affirm with truth, that his trial would have been prevented and his life preserved³⁷.

His desire to conclude an alliance with the Scots prevented his escape, while it was yet practicable, from the Isle of Wight. On his offer to resign the militia during his reign, the parliament condescended to a personal treaty, when his assent to four preliminary bills was obtained. The militia was required to be vested in the two houses for twenty years; nor disposed of afterwards without their consent: the peers created at Oxford were to be deprived of their titles, and the parliament empowered to adjourn from place to place. The preliminaries were severe, if the vanquished could have expected an accommodation on equal terms; but under the influence of the army, they were the last which the parliament was disposed to grant. When compared with the proposals of the army they were rigorous, with the conditions offered at Newcastle, lenient; the covenant was silently disregarded, and the church was reserved as an article susceptible of future modification³⁸. Between the surrender of the militia during his reign, or for twenty years, the difference was immaterial;

Treaty
with parliament
evaded.

³⁷ Whitlock, 280. Ludlow, i. 192. Clarend. v. 87. Rushw. viii. 918. Berkley's Mem. Clarend. v. 92.

³⁸ Charles' Works, 509, 10.

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and although its return to the crown were precarious, the last offers of negotiation were preferable to the eventful, and to a captive monarch, the unprofitable result of a new war. Perhaps he was actuated by a conscientious motive, to transmit the prerogative bequeathed by his father, entire to his son; or in his estimation, perhaps, it was more glorious to perish in the ruins, than renounce the attempt; nor should the motives of a high-spirited, heroical prince be too rigorously scrutinized, if the public tranquillity, and the lives of thousands, did not depend on the event.

Clandestine
treaty with
the Scots.

But the fact is, that the king was partial to the overtures of the Scottish commissioners, who had obtained access with the English, to accomplish their unfinished negotiations, under the pretext of protesting in his presence against the four bills. The treaty was concluded in a few hours, and were the articles sincere, the delay of every concession till it was no longer serviceable, might be justly observed. The king agreed to confirm the covenant in parliament, which might have sufficed for his preservation while he remained in the Scottish camp. He consented to establish presbyterian government for three years, till it were revised, or another form were prepared by the assembly of divines. He promised to concur in the extirpation of sectaries, and to admit the Scots to a communication of every commercial privilege, and a large share of the emoluments and honours conferred by the crown. Their commissioners engaged in return, to assert and restore his authority by arms,
and

and the assistance of the English presbyterians was not only expected, but the co-operation of Ormond in Ireland, and of the royalists in England, was tacitly understood. The concessions, however, were confessedly insincere. They were demanded as nothing less would satisfy or reconcile the Scots to his interest, and promised without scruple or reserve, on the assurance of their commissioners, that if the royalists were once in arms, the performance of conditions which none could enforce, would be left implicitly to the discretion of the king. The treaty, inclosed in a sheet of lead, was buried in a garden, and transmitted to the Scottish commissioners on their return to London. His answer to the English commissioners was sealed up and addressed to parliament; as his refusal might excite their suspicions of his intended flight. But the commissioners, who discerned his intentions, rejected an answer of which the contents were unknown, and departed abruptly when it was opened and disclosed. His attendants were immediately dismissed, the guards redoubled, and the most jealous precautions were employed to prevent his escape³⁹.

When the answer was reported to the commons, it was obvious that during their negotiations with Charles, a secret treaty was concluded with the Scots, and that his escape was meditated, in order to renew in person a destructive war. The members who had hitherto mentioned his name with respect, vied with each other in the most bitter in-

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Its effects
on the Eng-
lish parlia-
ment.

³⁹ Clarend. v. 103, 8. Burnet's Mem. 333, 4. Ludlow, i. 201. Clarend. v. 88.

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vesives; and Cromwell in particular, proclaimed aloud his dissimulation and duplicity in terms that corroborate the intercepted letter. He acknowledged the talents and understanding of the king, but declared that he was a false dissembler whom it was impossible to trust; that he professed the most solemn and entire dependence on the wisdom of the two houses, to compose the public distractions, yet maintained an insidious negotiation with the Scottish commissioners, to involve the nation in a new war for the destruction of parliament. A resolution was adopted at the instigation of the independents, that in the settlement of the nation no addresses should be made, nor any applications received from Charles, and from that moment the king was justly considered as dethroned⁴⁰. Every violence was supposed to be justified by his engagement with the Scots, which his warmest advocates are unable to vindicate, or to reconcile with the dictates of humanity, of good faith, or of sound discretion. The experiment of arms had been fully tried, and its destructive consequences should have prevented a renewal of national calamities. The treaty perhaps was advisable, while his person was retained by the Scots at Newcastle, as the presence of their army, and the authority of their friends in parliament, might have restored him, without bloodshed, to a limited share of power. But the proposals both of the Scots, and of the English army, were rejected

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⁴⁰ Clarend. 91, 2. Rushw. 953, 98. Whitlock, 287.

while

while he remained in the custody of either, that a clandestine engagement might be concluded with the former, when reduced himself to the hopeless situation of a captive prince. The preliminary demands of parliament were undoubtedly rigorous; but double negotiations were injurious to his reputation, and his assent to the four bills was dreaded by the republicans as a measure conducive to the recovery of his former power⁴¹. The popularity of the commons had declined; and as that of the army was transient, the return of authority amidst their future dissensions, and, in proportion to his present degradation, the reflux of popular favour might have justly been expected; a tribute seldom denied to unfortunate kings.

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The engagement, as the treaty was afterwards denominated, still remained to be imposed on the Scots. The task was the more difficult, as it was contracted by commissioners to the English parliament, who had no authority to negotiate with the king. The dark and impetuous Lauderdale, a presbyterian and a covenanter, had become a recent profelyte to the royal cause; and his influence, united with Lanerk the secretary's, and aided by a seasonable gift from the crown, had persuaded London, the necessitous chancellor, to concur in their designs. Having confirmed the hopes of their confederates in England, they returned to promulgate

Parties in
Scotland.

⁴¹ Ludlow, 41. 194. It is with regret that I observe in Hume, the artful separation of the engagement with the Scots, from the negotiations with the English commissioners in the Isle of Wight.

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the engagement in the approaching triennial parliament, for which every preparation was made to secure a majority of votes. Instead of that general confederacy which had hitherto subsisted, for the preservation of the covenant against malignants, three parties are at this period distinguished in Scotland. The wild presbyterians; whose political leaders were Argyle and Wariston, were averse to a war with England, or the restoration of the king, unless full satisfaction in religion were previously obtained. The moderate presbyterians, whom Hamilton had formed into a regular party, were alike intolerant, but were actuated by an impatient desire to repress the sectaries, and restore the English presbyterians together with the king. The royalists, under Traquair and Callender, were an inconsiderable party, eager to restore him without restrictions. The wild presbyterians, from their own violence, had declined in popularity, and Argyle, their leader, was accused of aspiring to the rude and doubtful state of an independent chieftain, or suspected of a design more truly ambitious, to establish, in Scotland, as in Holland, an aristocratical or mixed republic of the different estates. From the odious, though unforeseen consequences of the surrender of the king, the moderate presbyterians, if they deserve that name, had acquired a large majority in the new parliament; and Hamilton and his brother professed, with an unfelt zeal, to prosecute the ends of the covenant in restoring the king. But their adversaries were securely entrenched in the church; and when the assembly reared its head in opposition to parliament, the nation,

nation, disunited and deprived of energy, became an easy prey to its inveterate foes ⁴².

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Opposition
of the cler-
gy.

As Charles was permitted to declare, by a species of defeasance which betrayed itself, that he was not obliged to present any bills, or to express a desire for the introduction of presbyterian government into England, the clergy justly deemed his concessions insincere. In the hour of victory, amidst the returning tide of dominion, who would attempt, or what power could accomplish, the ungracious task? Their apprehensions were augmented by the frequent resort of the royalists to Scotland. Their opposition was confirmed by the arrival of commissioners, and perhaps by the secret dispensation of gold from England: Their pulpits resounded loudly against malignants, but more softly against sectaries; and before the meeting of the new parliament, a declaration was prepared in the most hostile terms, against the concessions as unsatisfactory, and against an association with the defected as dangerous both to the church and state. Not averse to a war for restoring the king on the terms of the covenant, they comprehended at once the design of permitting the royalists to appear in arms, and preferred the reign of the sectaries in England, rather than promote the triumph, or endure the power, of malignants at home ⁴³.

At the opening of parliament, the seizure of the king and the subjection of the two houses by the

Parliament.

⁴² Burnet's Mem. 336. Thurloe's State Papers, i. 74. Walker's Appen. to the Hist. of Independency, p. 8.

⁴³ Clarendon, v. 108. Baillie, ii. 281. Guth Mem. 260.

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army, the exclusion of the Scots from any share in their deliberations or access to his person, were enumerated as direct violations of the covenant, sufficient to justify a national war. The estates were assured that, on the appearance of their army, all England, a few sectaries excepted, would concur to restore the parliament to its freedom, and their sovereign to his throne. A committee of danger was appointed to provide for the public safety, and after an interval spent in fruitless conference with the clergy, a resolution was adopted to put the kingdom in a posture of defence. Under this oblique pretext, a large army was intended to be raised. But the royalists were impatient for action, and in the committee of public safety, procured a vote to surprise and garrison Berwick and Carlisle. Argyle and his friends protested loudly against the commencement of hostilities, and the commission of the church interposed, to require that the grounds of war should be first explained; that malignants should be excluded from their councils, and suppressed if they appeared in arms; and that the covenant and presbyterian religion should be previously secured by his majesty's oath to confirm both when restored to his throne. Berwick and Carlisle were surprised, however, by Langdale and Musgrave; royalists who attended Hamilton at Edinburgh, and had secretly collected their friends on the borders. The danger incurred from the vicinity of those malignants, was employed as a pretext for a general levy, when it was obvious that their enterprise had been concerted in Scotland.

Scotland. But the pacification begun at Rippon, had provided that no war should be declared by either kingdom, against the other, without due premonition, and an adequate time for explanation and redress. Three requisitions were accordingly made to the English parliament, that the sectaries should be suppressed, the king recalled, and the army disbanded. Fifteen days were assigned for receiving a definitive answer; and, after a public declaration of their engagement to re-establish the authority of their sovereign according to the covenant, the estates adjourned till the levies were complete⁴⁴.

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The choice of commanders, as it was supposed to indicate the scope of the engagement, was sufficient to confirm the opposition of the church. Leven was incapacitated by age, and persuaded to resign. Lesly was popular from his zeal and success; but, when Hamilton was appointed general, and Callendar his lieutenant, the clergy scrupled no longer to pronounce the engagement unlawful, nor forbore to shower imprecations on the heads of its adherents. The declarations of the church were every where opposed to those of the parliament; the levies were prohibited from every pulpit; and, according to the ingenious remark of a celebrated historian, the people, agitated by two supreme, independent judicatures, were threatened by the one with eternal perdition, and by the other with imprisonment, banishment, or military execution. Lesly and the most experienced officers re-

Its levies obstructed.

⁴⁴ Rescinded Acts. Burnet's Mem. 34. Baillie, ii. 285, 6. Rushw. viii. 1048, Clarend. v. 145, 6.

fused

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refused to serve unless the church were satisfied, and the chancellor disgusted at the violence or infidelity of his new associates, abandoned the engagement which he had concurred to frame. The levies, obstructed thus by the clergy, advanced but slowly, and were opposed in the west by an armed and tumultuary concourse of people, whom Middleton seasonably attacked and dispersed. But the opportune moment for action was lost in consequence of those disputes ⁴⁵.

Insurrec-
tions in
England.

In England the royalists were impatient of delay, but their insurrections in Wales, Kent, Essex, and Surry, were more numerous than formidable; premature and precipitate without sufficient concert. Langhorn and Poyer were defeated in Wales, and enclosed by Cromwell in Pembroke castle. The earl of Holland was routed at Kingston and taken prisoner. The insurgents of Kent and Essex were dispersed or surrounded by Fairfax, and besieged in Colchester. During the absence of the army the parliament recovered its freedom, the presbyterians, their influence; the secluded members were restored to their seats, and when the vote against more address was recalled, a treaty with the king was again proposed ⁴⁶.

Expedition
into Eng-
land.

The premature and ill-concerted insurrections of the royalists, accelerated Hamilton's march into England before his preparations were complete. From a wretched jealousy of his designs, the supplies of money, arms, and ammunition, promised

⁴⁵ Clarend. v. 347, 8. Baillie, ii. 288, 91, 2, 5.

⁴⁶ Rushw. viii. 1074.

from the continent, and the presence of the prince of Wales, who had assumed the command of the revolted fleet, were withheld by the queen. His army, destitute of artillery, and from the opposition of the clergy, far inferior to its reputed numbers, exceeded not ten thousand foot and four thousand horse; the former unacquainted and ill provided with arms, the latter better mounted than disciplined. The siege of Carlisle, which Lambert had invested, was abandoned on their approach; but in obedience to the jealous injunctions of parliament, that none who refused the covenant should be admitted to the army, the royalists under the command of Langdale, continued to march in a separate body, and encamp distinct, as if no concert had subsisted with the Scots. An engagement founded on duplicity, an expedition conducted with such obvious hypocrisy that none were deceived, announced sufficiently the intentions of Hamilton, not as he professed, to fulfil the covenant, but to co-operate with the royalists and restore the king unconditionally to his former power. No declaration preceded his march. No advances were made to the English presbyterians, nor did they hesitate on his union with the royalists, to pronounce them enemies equally hostile to the state. Instead of advancing through Yorkshire, a friendly county, in pursuit of Lambert, he remained inactive in Lancashire forty days. His forces, instead of being concentrated, were dispersed to the distance of twenty miles, to relieve a hostile or disaffected county, and, while the royalists under

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der Langdale preceded his front, Monro, recalled with three thousand veteran troops from Ireland, to avoid the command of Callendar, encamped at an equal distance in the rear. The delays and misconduct of the duke, were ascribed by the royalists to the absurd policy of suffering their party to be suppressed through England, that the triumph of the presbyterians might be the more complete. A zealous presbyterian, or a more enterprising general, would have left the obnoxious cavaliers behind, and with an army unencumbered with artillery, while Cromwell was employed in Wales, and Fairfax, who scrupled to oppose the Scots, was engaged in the siege of Colchester, would have prosecuted a rapid, unobstructed march to secure the support of the parliament and the capital. But the fact is, that Hamilton had aspired to a situation for which he was utterly unqualified; and the event might have been expected from the choice of a general in which birth was preferred to genius, rank to merit ⁴⁶.

Hamilton
defeated by
Cromwell,

Aug. 17.

His intelligence was so defective, that he continued ignorant of the surrender of Pembroke, and the near approach and conjunction of Cromwell and Lambert, until the royalists were attacked and overpowered at Preston. They defended themselves with the determined resolution which despair inspires, and might have maintained their situation had they been timely supported; had they been conjoined with the Scots, their numbers and va-

⁴⁶ Burnet's Mem. Rushw. viii. 1198—355. Clarend. v. 161.

hour might have prevailed over the disciplined and veteran independents. But the timid and irrefolute Duke was perplexed amidst the discordant opinions of his officers, and incapable of a vigorous or decisive attempt. With an army still superior to Cromwell's, he abandoned his ammunition and baggage in the field, and continued his rout, or rather a disorderly retreat, to Warrington, where the foot, deserted by their general, were surrendered by Baillie, and when overtaken at Utoxeter, he capitulated himself with his cavalry to Lambert. A resolute body, exasperated at their general, and disdaining an ignominious surrender, broke through under Callendar and effected their escape⁴⁷. Such was the event of the first expedition from Scotland to restore the line of its antient monarchs, the ill-fated Stewarts, to the English throne.

And taken
prisoner.

Monro's division, which remained at Kirby-Lonsdale entire, was recalled to Scotland, and, when reinforced with new levies by the Earl of Lanerk, the appearance of an army was still preserved. But the church-party were already in arms. Argyll and Lothian had begun an insurrection in the highlands, Cassilis and Eglinton, in the western counties, whose tumultuary forces, by an unexpected march, each parish conducted by its minister, had expelled the committee of estates from Edinburgh. The expedition was termed the *Whigamores'* inroad, from a word employed

Insurrec-
tions in
Scotland.

Origin of
the Whigs.

⁴⁷ Burnet's Mem. Rushw. viii. 1237.

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by these western peasants in driving horses, and the name transferred in the succeeding reign to the opponents of the court, is still preserved and cherished by the whigs, as the genuine descendants of the covenanting Scots⁴⁸. Those primitive whigs, unconscious of the distinction, were modelled by Lesly, and the officers who declined the engagement, into a regular army to oppose Monro's approach to the capital. When restrained by the committee of estates from the effusion of blood, the latter directed his march to Stirling, by the possession of that important pass, to prevent a junction with Argyle, and to levy a new army in the northern counties. His steps were diligently pursued by Lesly, but by the interposition of the clergy a treaty was begun, during which he obtained possession of Stirling by surprise. The negotiations, interrupted by his insidious enterprize, were quickened by the invitation of Cromwell to Scotland. Lanerk, intimidated perhaps at his brother's danger, was persuaded to disband his forces, and surrender the government to the adverse party, of whom a sufficient number belonged to the committee of estates, and to abandon the engagement to the censures, and its adherents to the intolerant mercy of the church. Monro was permitted to return to Scotland, but his garrisons in Carrickfergus, Belfast, and Culrain, had surrendered to Monk. From the siege of Berwick, Cromwell

⁴⁸ Burnet's Hist. i. 58. According to others from *whig* or *whay* the customary food of those peasants.

was conducted in triumph to the capital, and his army lately obnoxious as sectaries, was received, with joy as the deliverers of the church⁴⁸.

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Frequent consultations were held with Cromwell; and although the subject never transpired, the royalists too hastily concluded from the subsequent event, that the execution of Charles was concerted with Argyle. Berwick and Carlisle were restored to England. The solemn league and covenant was renewed with Cromwell; the engagement was proscribed, and its adherents excluded from the approaching parliament. They hastened to yield satisfaction to the church by the most public repentance; and if the contrition of some was specious, or timely exhibited, hard and inexorable was the lot of those who neglected to deprecate its pious indignation. Notwithstanding his dignified rank, and the merit of an early defection, the chancellor himself submitted to public penance, deplored his carnal self-seeking, or compliance with the times, and besought the prayers of the congregation with such pathetic success, that their commiseration was vented in lamentation and tears. But his wife, an heiress from whom he acquired his estate, was a presbyterian more rigid than himself, and threatened a divorce for his adulteries, of which the proofs were copious, unless he were reconciled and restored to the church⁴⁹. Such was the tyrannical influence of

Engage-
ments sup-
pressed.

⁴⁸ Burnet's Mem. 367, 71, 5. Guth. Mem. 286—97. Rushw. viii. 1273, 6, 88, 95.

⁴⁹ Burnet's Mem. 338. Hist. i. 59. Whitlock 360. Guth. Mem. 298. Scottstarvet's Staggering State, &c.

the

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Treaty at
Newport.

Sept. 15.

the clergy, which the priesthood is ever disposed to arrogate, in the tenderest concerns of domestic life.

During the absence of Cromwell, and the transient freedom of the English parliament, a treaty was begun with the king at Newport, but it was unfortunately retarded till Hamilton's defeat. Their interests required an immediate conclusion, but the commons, perplexed by the independents, were desirous to remark the progress, Charles, slow in his advances, was anxious for the previous support of the Scots. Hollis and Grimston, the parliamentary commissioners, conjured him on their knees to assent at once, without the tedious intervention of writings, that in a few days he might be restored to parliament, the government re-established, and the army by their united authority reformed or reduced¹¹. The question was no longer how to preserve the roots of prerogative, whose branches might revive and flourish at some distant period, but whether to rescue the constitution from military usurpation, and prevent the destruction of government by military violence. It was not the extent of power, but the existence of monarchy, and his own life that depended on the event. Nor was he insensible, that in a popular assembly still actuated by the intrigues of the independents, and its apprehensions of the royalists, the parliamentary leaders were unable to recede from their original demands. But to what motives

¹¹ Burnet's Mem. i. 60. Clarend. v. 201-17.

shall we ascribe the inflexible obstinacy so fatal to Charles, who, instead of granting on the first day, whatever concessions were reserved for the last, protracted the conferences above two months, and amidst an idle parade of arguments, seemed to delight in sustaining singly the inconsistent characters of a statesman and divine? Incapable of a frank, unreserved assent, or perhaps of a cordial accommodation with parliament, his mind was employed in the nice balance of casuistical distinctions: where decision was necessary he canvassed minutely proposals already discussed and sufficiently understood: when the opportunity had departed, he acquiesced in the same conditions to which the recent treaty with the Scots was preferred. He consented to recall every hostile declaration, and to acknowledge that the parliament had taken arms in its just defence. The preamble was deemed indispensable, to secure the members from a strict and literal interpretation of the statute of treasons; and he was induced at length to assent, by an equivocating consideration, that no preliminary recital of its just defence could justify, or render its arms legitimate, if before illegal⁵³. He agreed with the same tardy hesitation, to surrender the militia, the chief officers of state, and the government of Ireland, for twenty years⁵⁴; to accept an hundred thousand

⁵³ Burnet's Mem. 430. From the same casuistry he acquiesced in the parliament's great seal: "This part of the propositions, we understood, made not the grants under it valid, if they were not so before." Id. 441.

⁵⁴ Here, and in his answer to the propositions presented at Newcastle, his insincerity is palpable. "Touching Ireland,"

thousand a-year for the court of wards, to acknowledge the parliamentary great seal, and from the profusion of titles at Oxford, to consult the two houses in the creation of peers. There were two conditions on which he remained inflexible; the one from motives that deserve our respect, the other our mingled compassion and contempt. His assent to the execution of Strafford had excited deep remorse; and a resolution confirmed by his misfortunes, never to abandon a friend again. However willing that the royalists should compound for their sequestrated estates, he resisted with fortitude, the proscription and exile of seven delinquents, his faithful adherents, whom the parliament selected as not unworthy to be excepted from pardon. During the mournful solitude of a long imprisonment, his religious prejudices were cherished by the sorrows which had bleached his *grey, discrowned head*"; and he clung with more bigoted attachment

he declares in that answer, "his majesty will give full satisfaction therein." This concise declaration, apparently so sincere and candid, is explained in a letter to the queen. "I have so couched that article, that if the Irish give me cause, I may interpret it enough to their advantage. For I only say that I will give them (the two houses) full satisfaction as to the *management* of the war, nor do I promise to *continue* the war, so that if I find reason to make a good peace there, my engagement is at an end. Wherefore make this, my interpretation, *known* to the Irish." Clarend. State Papers. What reliance could parliament place at the beginning of the dispute, or at any subsequent period, on the word or the moderation of a prince, whose solemn and written declarations were so full of equivocation?

"His *grey discrowned head*," in the verses written at Carrisbrook castle, is an expression truly pathetic. The rest

ment to an episcopal church, as the last sad refuge of afflicted royalty. Whatever was unconnected with its apostolical institution, the dignities superior, or subordinate to a bishop, he was content to resign. He renewed his offers, to suspend the authority of bishops for three years; and to limit their future powers to ordination, by the advice of their presbyters, or to institute another form of ecclesiastical government, if required by parliament; and by a nice casuistical distinction, the suspension of the episcopal order, which he could not hope to preserve, was considered as very different from its abolition which he could not prevent. The sale of chapter lands, already pledged or disposed of to the public creditors, was a sacrilegious deed, for which he proposed to substitute leases of a long duration. But the temporary institution of presbytery, implied a renewal of the contest within three years, and his expectations that the hierarchy, however reduced at present, might again revive. If the parliamentary leaders were more liberal or enlightened, their adherents were not less bigoted and obstinate than the king. In these unworthy disputations, the time allotted for negotiation, and requisite for action, was consumed in vain⁵⁶. When Henry IV. of France was persuaded to consult the happiness of his subjects, and to terminate a destructive civil war, by a public profession of the Ro-

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of the poem, although the thoughts are vigorous, has neither harmony nor poetical merit. Burnet's Mem. 381.

⁵⁶ Clarend. State Papers, ii. 453. Parl. Hist. xviii. Charles' Works. Rushw. Rapin.

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**Sincerity
of Charles;**

If ever Charles appeared sincere in his professions, it was in the present treaty. Yet we discover with equal surprise and concern, from his own correspondence, that the secret motives of his conduct, and his fixed design, were to escape to Ireland in order to renew the war. It was for this purpose that the treaty was industriously protracted, and that the most important of his concessions was granted with studious equivocation, to amuse or deceive the commissioners, and facilitate his escape. In his letters to Ormond, who had landed in Ireland during the treaty at Newport, and begun to negotiate a peace with the insurgents, he exhorts him not to be startled at his concessions, which would come to nothing; nor to obey his, but his queen's instructions, and to prosecute with vigour his present designs. Four days afterwards, when a public disavowal was demanded of Ormond's powers, he assured the parliamentary commissioners, that since the first votes had passed for the treaty, he had transacted no business respecting Ireland but with the commissioners themselves". But

⁵⁷ Carte's Ormond, ii: Appendix 17; Letters, October 19th and 28th. Parliamentary History, xviii. 128.

It appears from his letters to Sir William Hopkins, who resided opposite to Newport, that his thoughts were employed, during the whole treaty, in concerting or procuring the means of flight, and that his principal concession, whether respecting the church or the militia, was actually made to promote his escape. He inquires with daily anxiety concerning the arrival of the ship, the tides, the winds, the place to embark; and in one letter described his motives in pathetic terms. "To deal freely with you, the great concession I made to-day was merely in order to my escape, of which if I had not hopes, I would not have done. For then I could have returned to my strait prison without reluctance, but now I confess it would break my heart, having done that which nothing but an escape can justify." From his letters, it is evident that he meditated, or attempted his escape each night⁵⁸. No resource nor retreat but Ireland remained. When these circumstances are combined with his instructions to Ormond, to persist with vigour in concluding a peace, and his former asseverations to Glamorgan, that he would omit no opportunity to get into his, and the Nuncio's hands, the conclusion appears indisputable, that his secret and fixed design in protracting the treaty was to escape to Ireland, and at the head of the Roman catholic insurgents to renew the war.

But the engagement was still destined to prove fatal to Charles. Notwithstanding the resolution

Who is seized, and the treaty interrupted by the army.

⁵⁸ Letters subjoined to Wagstaff's Vindication of the Royal Martyr, 3d edit. pp. 142. 161. October 9th,

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ascribed to the council at Windsor, no demand had been made for his trial ; no intimation was given of his fate, and from the vote against more addresses, till the insurrections commenced⁹⁹, the officers remained inactive during the triumph of the independents, in expectation of the event that might determine their conduct to the king. But the army returned, before the conclusion of a protracted treaty, exasperated at a second civil war, and breathing vengeance against its author. The soldiers, in a remonstrance to parliament, demanded the execution of justice, not on meaner delinquents only, but on the king himself, as the author of every national calamity, and the sole cause of the renewal of war and bloodshed. His person was again seized by the army, and removed from Newport to Hurst-castle on the opposite coast. In this extremity, the commons resuming their original spirit, rejected the remonstrance though surrounded with troops, and declared the seizure of the king unwarranted, and his concessions a sufficient foundation for peace. They were soon taught that resistance was unavailing, and destined to exhibit a melancholy proof that popular assemblies

⁹⁹ The council at Windsor was held in the beginning of December 1647 ; the vote against more addresses passed on the 3d of January ; the insurrections chiefly commenced in May and June, the remonstrance of the army is dated the 16th Nov. 1648. Till that time, a period of eleven months, no step was adopted, to effect the resolution ascribed to the council at Windsor. Noble (*Hist. of the Cromwells*, ii. 340.) gives a traditionary story of a council of war held at Yarmouth, in which the trial of the king was resolved.

once subjugated, become the most devoted and abject instruments of arbitrary power. The house was encompassed with guards, and forty members accused of inviting the Scots, were arrested by Pride. An hundred more were excluded next day, and the commons, thus *purged* or reduced to independents, repealed the late resolutions, confirmed the vote against more addressees, and, on the solemn report of a committee, declared that to levy war against parliament was treason in the king. The lords, a diminutive and hitherto an obsequious body, rejected the ordinance and adjourned for a week. But the commons were not to be disconcerted by forms. They established a great constitutional truth, that the people are the origin and true source of legitimate power; thence to deduce a political falsehood, that the commons, their representatives freely chosen, were alone invested with the supreme authority, whose resolutions were endued with the whole force of law. Such was the popular expedient on which an ordinance was constructed, by their sole authority, for the trial of Charles Stewart, their legitimate king⁶⁰.

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If the fabulous annals of Scotland are excepted, the trial and condemnation of a sovereign prince, at the tribunal and before the delegated authority of the people, was unexampled then in the history of Europe. It was conceived by those fierce enthusiasts, who disclaimed, in the church and in the state, the coercive jurisdiction of a priest and of a

Resolution
to try the
king.

⁶⁰ Parliamentary Hist. xviii. 161. Whitlock, 354, 6. Clarend. v. 238. Rushw. viii. 1380, 3.

king. They were instructed by the late insurrections, and the invitation of the Scots, that conspiracies for his restoration would never be wanting at home, nor invasions from abroad, while he remained alive. Edward and Richard, the second of their names, had been degraded in parliament as incapable of government; but a precedent drawn from the turbulence of feudal times, far from possessing reputation with the people, was ascribed to a potent, oppressive faction of rapacious barons. The same princes were removed by murder; and during the preparations for his trial, Charles had no apprehensions of a different fate. Assassination, however, was an odious crime, more congenial to the dark recesses of a despotical court, than to the character of a nation, or the religious and daring spirit of the independents themselves. But the conditions of war are reciprocal, nor can we decline the terms under which our antagonists are reduced to fight. The law that forfeits the lives of rebels, if their arms are legitimated by success, too frequently suggests, and inflicts the same retribution on their enemies; and neither the army nor the independents were disposed, on the renewal of hostilities, to exempt the king himself from its vindictive operation. If relieved from the danger of the army, and the necessity of an accommodation with the crown, the presbyterians themselves would have renounced a prince who in the hour of treaty, and at a moment of public confidence, had armed his adherents and the Scots for their destruction. But the independents aspired to

to more ; the satisfaction as they asserted of national justice, and a scene the most stupendous which history had exhibited, is ascribed to the councils of Ireton, a lawyer converted into a soldier, a statesman, and a saint. Inflexible in his pursuit of liberty, which he sought at present, through military violence, in the bosom of a commonwealth, he was relaxed on important occasions from the observance of vulgar morals, like the chosen vessels of every religion, and the ambitious and guilty statesmen of every age. A public and solemn trial, by the authority of parliament, and in the face of heaven, was not more difficult, he asserted, than the degradation of Charles ; and would vindicate the sovereignty of the people, avenge at once and remove their oppressions, establish a secure foundation for their future government, and by its exemplary justice, deter the most ambitious from a situation full of danger, wherein such terrible responsibility was due to the people ⁶¹.

The preparations for the trial were not unsuitable to the importance of the event. A native and hereditary prince, the sovereign of three kingdoms, was arraigned by his own subjects for maladministration and breach of trust. To impose the ungracious task on the commons, would involve them in the inconsistent situation of accusers and judges. To transfer the trial to a tribunal altogether different, might incur the suspicion of declining a dangerous participation in the deed. An HIGH COURT OF JUSTICE was appointed by ordinance,

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High court
of justice.

⁶¹ Clarend. v. 249—51.

consisting

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consisting of an hundred and thirty-three persons, named indifferently from the commons, the army, and the citizens noted as well affected to the commonwealth. Bradshaw was appointed president, Coke solicitor for the people of England, and the court assembled in Westminster-hall.

The king's
trial.

In this last period of his reign and life, the deportment of Charles was dignified and suitable to his illustrious descent. A domestic example might confirm his fortitude. The fate of the unfortunate Mary, so similar to his own, might instruct him to decline a sublunary tribunal; but the rapid events of a month, from the interruption of the treaty at Newport, by the force imposed on the commons, to their present usurpation of the legislative power, left no room to acknowledge the authority of the court of justice. From Hurst-castle he was conducted to St. James'. When presented before the court, he arose, and without deigning to uncover, or exhibit any external mark of respect, surveyed the judges and numerous spectators with a look of silent indignation and disdain; and when arraigned by the solicitor, touched his shoulders thrice with his cane, and admonished him to desist. He was accused of waging and renewing a destructive war against the parliament and its constituents the people, in order to establish an unlimited and tyrannical government, instead of the limited power with which he was entrusted as king. When his defence was required, he demanded by what authority he was produced in court, or by what powers they presumed to sit in judgement on actions for

which he was responsible to God alone? He reminded them that he was their sovereign by birth, they his subjects by inheritance; but without the authority of parliament, that they had arrogated a power which no parliament had ever assumed. While engaged in a treaty with the two houses, on the public faith, he was seized and removed thither by military violence; but in these proceedings he was unable to discover the concurrence of the lords, and understood that the commons themselves, in whose name he was accused, were subdued by arms. As their native, hereditary sovereign, he was subject to no human tribunal. His authority sprang from God, to whom alone he was amenable for his conduct or his crimes. The constitution declared that he could do no wrong, but if the authority of the people were even admitted as sufficient for his trial, the consent of each individual, down to the meanest and most ignorant peasant, must be first obtained. He spoke not for himself alone, but for the liberties of the people of England, in the defence of which he had taken arms, nor, although his actions were susceptible of an easy vindication, would he now betray that sacred trust, or his own dignity, by acknowledging a court whose authority was derived from usurpation, and established by military violence, subversive of the fundamental laws of the kingdom⁶².

His defence was delivered at intervals, with a temperate dignity, but with frequent interruptions

And sentence.

⁶² Rushw. viii. 1396. Clarend. v. 252.

from

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from Bradshaw the president, constrained, perhaps, by his situation, not to suffer the jurisdiction of the court to be questioned, or incited rather by an officious zeal to assert the supreme and sovereign authority of the people. The king was thrice produced at the bar; thrice he declined the authority of the court, and refused to plead. The default was recorded; and the judges proceeded to receive evidence that he had appeared in arms, and levied war against the parliament and the people. His last most earnest request was rejected, that he might be admitted to a conference with the two houses, as the means of averting a great national crime. It was conjectured that he meant to resign the crown to his son. Such a proposal was not less repugnant to the ambition of the officers than to the zeal of the republicans who composed the court; and a sentence of treason was immediately pronounced, that his head should be separated from his body on the third day.

Foreign powers were astonished at the audacious design. The court of France condescended to mediate, the Dutch interceded with the commons for his life, and the Scots from whom his misfortunes had originated, remonstrated warmly against the violence to which his person was exposed. The presbyterian clergy raised a feeble cry; but no intercession could move, no remonstrances could deter those stern and inexorable republicans from the execution of their designs.

Execution
of Charles I.

His preparations for death were assisted by Juxon, but the consolations of religion or of philosophy, are of little avail, without native fortitude and

and energy of mind. Conscious worth can support the virtuous, an exalted rank or conspicuous station has inspired the most dissolute with contempt of death. But the fortitude of Charles was derived from no external, adventitious circumstances. That cold reserve and inflexible obstinacy which distinguished his character, assumed a sublimer aspect of chastened and tranquil magnanimity, in the last, eventful period of his reign and life. He was lodged at St. James' ⁶³; and the front of Whitehall was selected for his execution, that the scene of his past magnificence might become a monument of popular justice to record his fate. On the morning of his execution, he arose at an early hour, after a quiet, undisturbed repose; and bestowed on his dress an attention which his sorrows had long neglected. His devotions were concluded with the Eucharist; and when the hour approached, he was conducted on foot through the park, which was lined with guards, to Whitehall,

⁶³ That his slumbers were disturbed each night by the noise of erecting his scaffold, is an injudicious fiction, first invented by Clement Walker to aggravate the deed. Herbert attended the king's person and slept in his chamber, from the beginning of his trial to the last hour of his life. But that Hume should assert, on such authority as Clement Walker, (Hist. of Independency,) a fact contradicted by every other historian, is the less surprising, as Herbert's Memoirs lay open before him; and from the copy in the Advocates' Library, now in my hands, appear to be marked with his pencil at the very passage (p. 117.) which mentions that the king was removed, two hours after his trial, from Whitehall to St. James'. But on this occasion, Hume wrote too much for dramatic effect.

where

where an apartment was prepared for his reception. After a short and slight refreshment, he ascended the scaffold, and without emotion surveyed the awful preparations for death, the cushion, the block, the axe, together with two executioners disguised in vizors. The scaffold was surrounded with troops beneath. Despairing of being heard by the remote spectators, he addressed his discourse to the officers and attendants, protested that the war on his part was strictly defensive; without accusing parliament, blamed the unhappy intervention of wicked instruments; confessed that he suffered a merited retribution for his assent to an unjust sentence against his friend, and in pronouncing the last, most difficult lesson of Christian forgiveness, admonished the people to return to the paths of submissive loyalty, and acknowledge his son for their lawful sovereign. At the suggestion of Juxon, he attested his dying, unfeigned attachment to the English church. Then, when his neck was adjusted to the block, he stretched forth his hands, after a short prayer, as the appointed signal for the axe to descend. His head was dis severed from his body, at a single stroke, by the man in the mask. The other executioner exposed the bleeding head to public view, and exclaiming this is the head of a traitor, the acclamations of the soldiers were intermixed with the convulsive sobs and lamentations of spectators, who rushed forward to receive, and preserve the blood of their martyred king ⁶⁴.

⁶⁴ Rushw. viii. 1428. Whitlock, 370. Ludlow.

Such was the tragical fate of the second sovereign of the house of Stewart, who perished, within sixty-two years, on the scaffold in England. He suffered in the forty-ninth year of his age, and the twenty-fourth of his reign. From a sickly and froward infancy, he had acquired a robust constitution in manhood, capable of enduring hardships and fatigue, and well adapted to the violent exercises in which he excelled. His person was neither tall nor corpulent, but vigorous, compact, and exactly proportioned. His features were regular; his eye quick and penetrating; his aspect pale and melancholy; not unpleasing to his friends, but to strangers expressive of a forbidding reserve. The undecayed and healthful appearance of the vitals, when his body was opened, indicated a sound and well organized frame, naturally destined for an extreme old age. His body was privately interred at Windsor, but after a slight, ineffectual search, on the restoration of his son, his remains were defrauded of a royal funeral⁶⁵. That men expired of grief at his execution, or sunk for life into a lethargic melancholy; that women parted with the untimely fruit of their womb, must be classed among the marvellous exaggerations of a great event⁶⁶. But his death was productive of consequences very different from those which his enemies expected.

Its effects
on the
people.

⁶⁵ Warwick, 64. Perinchief, p. 74. Wellwood, 79.

⁶⁶ These circumstances are attested by no contemporary but Sanderfon, a credulous writer, who struggles hard to derive miraculous cures from relics stained with the martyr's blood. Hist. 1138, 9.

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Instead of diffusing an abhorrence of monarchy, the execution of their native, hereditary sovereign, awakened in the people all the latent emotions of the human soul. Sympathy, the offspring of the imagination and the heart, is most powerfully moved by the examples of illustrious woe. Not all the innocent blood, so profusely shed during the course of the civil wars, excited such universal commiseration and sympathy as the execution of Charles. Had he been permitted to remain a prisoner, or to wander an exile among foreigners, from court to court, his character might have sunk insensibly with his misfortunes, from the lawful prince, to the pretender whose obsolete claims are regarded as hostile to the interests of the state. But the people forgot his errors, and their own sufferings, in the contemplation of his fate; and there was no cause that contributed more than his untimely, and violent death, to the transient restoration and reign of his sons.

Character
of Charles I.

His character is more difficult to estimate, as it has been loaded with unmerited crimes by his enemies, and overcharged with virtues by the partiality of his friends. Temperate, chaste, and exemplary in his conduct, grave and dignified in his deportment, in his conversation strictly observant of decorum, he was diligent in the performance of every act of devotion, exact in the discharge of every moral duty incumbent on a father, a husband, or a friend. If insensible to the feelings of refined humanity, his heart was not insusceptible of a tender affection and permanent friendship.

His

His mind was naturally acute and solid; cool and intrepid in danger, on great occasions magnanimous and equal; endued with a cultivated and magnificent taste, nor defective in those meaner, ornamental qualities which adorn a throne. The virtues of private life were undoubtedly his; but when we reverse the portrait, such were the opposite imperfections of his character, that those virtues were unprofitable to the public, and not unfrequently pernicious to himself. His religion was superstitious, intolerant, and replete with bigotry: his dignity, supercilious and seldom affable, betrayed an harsh and repulsive pride. His ear was open to suspicion, nor inaccessible to flattery: his conjugal affection was uxorious in the extreme: his manners, although he was seldom generous, were equally ungracious, whether he granted or refused a request. Tenacious of his purpose, inflexible and obstinate in the prosecution of his objects, but inconsiderate, rash, and easily persuaded to the choice, or alteration of the means, his mind was unduly elevated by prosperity, though never equally overwhelmed by adverse fortune. His humanity is impeached by those barbarous punishments inflicted by the Star-chamber, for the monarch who tolerates the cruelties of his judges, which are never inflicted unless when acceptable, becomes responsible for their crimes. But the ruling passion, or rather the uniform principle of his whole life, was the desire of an inordinate power, which he refused to share unless with the prelates, and which he could neither enjoy with moderation nor consent to resign.

Sincerity was certainly no part of his character; but his insincerity was rather that of a priest who provides some previous reservation to evade, than of a prince who perfidiously violates, the obligation which he contemns. A subtle and professed casuist⁶⁷, he was enabled to reconcile the most dissingenuous protestations to his own conscience, and without an absolute breach of veracity, studied by verbal evasions to deceive his enemies, and by mental equivocation to deceive himself. It is not sufficient to affirm, that the difficulties of his situation, his own imprudence, or even the utmost malignity of fortune, occasioned the great and almost unexampled calamities of his reign. We must add that the early and repeated instances of his insincerity, which we have occasionally described, had created such a firm belief of his dissimulation, that the popular leaders, from a well-founded distrust of his ambiguous declarations, were ever afraid to treat, unless on their own terms, to which he was unwilling; or unable to accede. The evidence resulting from his confidential letters, where the proofs of a dissingenuous mind can alone be found, is industriously suppressed by those partial historians, who asserting the unblemished integrity of his character, take no note of the principal cause of his misfor-

⁶⁷ He translated Sanderfon *De Juramenti Promissorii Obligatione*, while in the Isle of Wight. It is justly observed by Walpole, that casuistry is not necessary for the observance, but for the breach of an oath; that an honest man who studies cases of conscience, expects to find that he need not be quite so honest as he thought.

tunes and death. That his condemnation was unjust, that he suffered from a violent and usurped authority, has never been disputed, unless by zealots, but when examined in a moral or political view, his conduct is not susceptible of an easy vindication. Whether his exalted ideas of the prerogative in England, were derived from established, or irregular precedents of an unsettled constitution, is an inquiry foreign to the design of this history : but his religious innovations, the sole object of his reign in Scotland, were introduced by a conscious violation of the laws, and a direct invasion of the legislative power. The facility with which he commenced hostilities against his subjects, reduced the Scots to the necessity of self-defence, while the English were gradually familiarized and habituated to the ideas of resistance. His subsequent conduct contains an internal proof, that his concessions to the latter were meant to be resumed, and their parliament to be reduced by force of arms ; and from the same motive, every accommodation was declined or disappointed during the flattering prospect of a successful war. But the immediate cause of his destruction, and undoubtedly one of the most exceptionable parts of his conduct, was his engagement with the Scots for the renewal of the civil wars, during a treaty with parliament ; and when we consider how short is the distance between the prison and the grave of kings, that their enemies are ever prone to retaliate those severe conditions under which they fought themselves, it must appear far less surprising that he perished on a scaffold, than that he survived so long. The right of punishment

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seems to be implied in resistance, for it is difficult to conceive by what argument resistance can be justified, if it is forbidden to chastise, or prevent the resumption of an arbitrary power: But obedience to government is the general rule; resistance is an exception which rarely occurs, and for what purpose inculcate the exception, to which mankind are sufficiently addicted, in preference to the rule on which our security depends? To resist the encroachments, to correct the misconduct, to revoke the delegated powers of their magistrates, are doctrines not less dangerous perhaps for a government to tolerate, than for the people to forget. If never inculcated, the exception is soon forgotten, and society sinks at last into a state of tame servility from which there is no regeneration. The arbitrary reign of Charles would have been prolonged by his sons, and the two kingdoms, oppressed and converted by a popish successor, might have inquired at present, as a subject of curious, but silent speculation, what were the religion or liberties which their ancestors enjoyed.

Misfortunes
of his house.

But whatever were the faults or imperfections of Charles, his misfortunes were great and unparalleled till of late, except in the eventful destiny of the house of Stewart. Historians have truly observed, that of ten generations of kings, his father, and the first prince of his race, were the only two who escaped a violent or untimely death. Robert II. the first of the Stewarts, expired of old age; Robert III. of a broken heart at the murder of one son, and the captivity of another. James I. re-
turned

turned from a long captivity, to perish in a few years by the hands of assassins. His son was killed at the siege of Roxburgh, his grandson by his rebellious subjects. James IV. expiated his father's death at the battle of Flodden, and James V. died of indignation and grief. The misfortunes or crimes of his daughter, the beautiful and accomplished Mary, have furnished almost every art with a theme of historical or romantic distress; and when she suffered on the scaffold, her vindictive rival suggested unconsciously, the fatal precedent for the trial of her grandson, and the execution of a king. James VI. experienced a natural death, but the calamities of the family seemed to be accumulated on Charles. His sister's children were expelled from their paternal dominions. His nephew, the elector palatine, subsisted on the bounty of parliament; and by a final reverse of fortune, his posterity, after a short restoration, has suffered a second exile; the last prince of his race has obtained a precarious retreat in the Romish church, while the descendants of his sister, by a female branch, have been raised to the secure possession of the throne from which his son was expelled.

The history of this unfortunate reign may be concluded with the *Icon Basilike*, or the portraiture of his majesty in his solitudes and sufferings, published a few days after his death. A posthumous work of the late king was received with avidity or enthusiasm by the royalists, and rapidly diffused. Editions were multiplied beyond any former example, and the whole nation was edified with the meek, and forgiving piety of its martyred

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Icon Basilike
like spurious.

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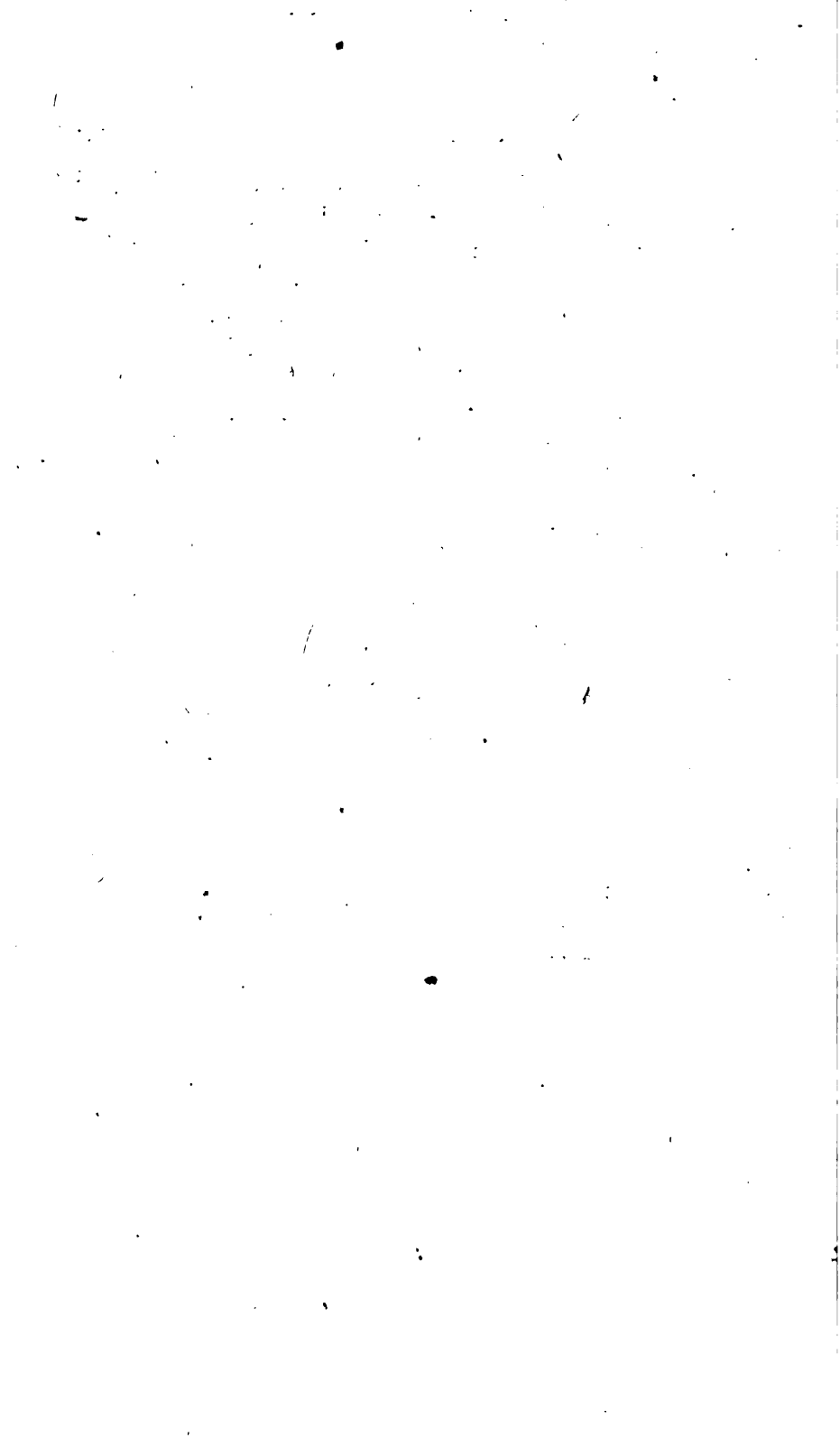
king. An obscure rumour or suspicion prevailed at the time, that the work was a political forgery of some royalist in his master's name. A note prefixed by the earl of Anglesea to a copy of the book, and discovered at the revolution after his death, ascribed it to Dr. Gauden, on the authority of Charles II. and his brother, who had communicated the same information to Burnet. The claims of Gauden were attested by his widow and his friend Dr. Walker, whose evidence was confirmed afterwards by original letters; and the authorities appeared so strong, or so equally balanced, that the royalists had recourse to the fallacious criterion of composition and style. There, however, the internal evidence was alike inconclusive. The language at least, and remarks, if not the secrets of a statesman, were to be expected in the genuine reflections of a monarch, written on each political event that occurred. Like the spurious political legacies of other statesmen, the *Icon Basilike* contained nothing beyond the familiar meditations, and the limited observation of a court divine; and the style appeared, when impartially examined, to be strictly clerical, if more chaste and correct than Gauden's, far more elegant, terse, and diffusive, than the compositions of the king⁶⁸. Such was the state of this acrimonious controversy,

⁶⁸ Whoever peruses Gauden's *Life of Hooker*, and the dedication prefixed, will find a command of language, periods nicely balanced, frequently antithetical, a style disfigured by a capricious affectation of wit and imagery, but flowing and oratorical beyond the age. Imagery such as Gauden's, is not wanting

controversy, till the late publication of the Clarendon papers, wherein Gauden, in a letter to the chancellor, claims the merit and reward of this pious fraud. He appeals to the bishop of Winchester, who composed a part, and conveyed the whole of the performance to the king; and the silence of Clarendon in his history, and his confession in a letter, that the circumstance, when it ceased to be a secret, could be acceptable to none but Milton, joined with the conviction of the royal brothers, must outweigh the vague, and contradictory reports which the royalists have preserved⁶⁹.

wanting in the *Icon*, and his attempt to disguise and retrench his exuberance, would reduce it naturally to a chaste and temperate style, which his taste and genius, unrestrained by the necessity of disguise, would never have inspired. But the compositions of Charles are either harsh and abrupt, like his letters, or succinct and irregular, like his controversy with Henderson, and messages from the Isle of Wight, the only certain productions of his pen. It is equally difficult to conceive that such a style should be elevated occasionally to that of the *Icon*, or that his accustomed eloquence, in his transition from occasional meditations, to more important dispatches, should desert his pen.

⁶⁹ See Note XIV.



THE HISTORY OF SCOTLAND.

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Negotiations with Charles II.—Expedition, Defeat, and Execution of Montrose.—King's reception in Scotland.—Cromwell's Invasion—and Victory at Dunbar.—March into England, and battle of Worcester.—Conquest and situation of Scotland under the usurpation.—Revolution in England on Cromwell's death.—The Restoration.

SUCH was the critical situation to which Scotland was reduced, on the death of Charles, that the minutest error or misfortune in its policy became disastrous in the extreme. Whatever principles of early liberty were inserted in its constitution, the democratical forms and schemes of government agitated in England, had made no progress nor impression on a nation to whose genius they were adverse, and irreconcilable with the feudal

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dal aristocracy to which the people were inured. The most violent of the parties into which the nation was divided, had not yet renounced their attachment to monarchy, and if the loyalty of the people was suppressed by the civil wars, the execution of their native, hereditary sovereign was an event well calculated to revive the unextinguished flame. His death was ascribed to the surrender of his person to the English parliament; and an event which was never intended, and impossible to be foreseen, could be expiated only, in the public opinion, by the reception of his son as their lawful king. But the movements of popular indignation were opposed by political, and regulated by considerations of a religious nature. Their monarchy, re-established in the son of their deceased sovereign, could not fail, as an hostile defiance, to provoke the resentment, nor his recall to incur the vengeance, of the rising commonwealth; and Hamilton's disastrous expedition might convince them, that their utmost strength was inadequate to support his pretensions to the English throne. Their apprehensions, however, of a war the more dangerous and formidable, from the exhausted state to which the country was reduced, were superseded by the obligations both of their national, and solemn league and covenant with England, in which the preservation of monarchy was particularly enjoined. But the same covenants, as they required the protection and defence of the true religion, prohibited the unconditional recall of the king. With a few silent exceptions, regal government was universally preferred

preferred to the public tranquillity ; but the objects hitherto pursued during ten years war, were too important to be relinquished ; nor were the Scots who had uniformly distrusted, and opposed the father, prepared to embrace unconditionally the cause of the son. Their indignation at the execution of their sovereign, was increased by the contumelious treatment which their commissioners received. The protestations against his death, were productive only of an insulting invitation, to unite in a federal republic with England, and the commissioners were arrested on returning an offensive answer ; conducted by a guard to the frontiers, and ignominiously dismissed. But the Scots respected, and still adhered to their covenants. Charles II. was immediately proclaimed, and his title to the three kingdoms acknowledged by the Scottish parliament, but before his admission to the exercise of power, full satisfaction was demanded for the security of the religion, unity, and peace of the kingdoms. Such severe conditions have been ascribed to Argyle, who endeavoured, it is supposed, at the head of the violent presbyterians, when unable to oppose, to create unnecessary obstacles to the king's return ; but restrictions, seemingly consonant to the disposition of the people, can with no propriety be imputed to an individual, whom we discover assiduous afterwards to promote his recall¹.

The house of commons had already modelled the commonwealth of England, abolished the func-

¹ Clarendon, 279—84—93. Whitlock, 378. Rescinded Acts.

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ton.And Hunt-
ley.Negocia-
tions with
Charles II.

tions and name of king, declared the lords unnecessary and dangerous to a free constitution, and established a council of state in thirty-nine persons, who were too few to compose a deliberative assembly, too numerous to wield the executive power, or restrain an ambitious usurper's designs. The execution of the duke of Hamilton, who was tried as earl of Cambridge in England, succeeded; and as if neither kingdom were willing to be outdone in bloodshed, Huntley, though married to a sister of Argyle, who opposed his death, was beheaded in Scotland; a weak though naturally a gallant nobleman, odious to the covenanters from his religion, and formidable from his power. As he had remained in prison for sixteen months, it is probable that his execution was accelerated, or occasioned by an insurrection of his adherents, under Monro and Middleton, to promote the unconditional accession of the king.²

The terms of the Scottish parliament were received while Charles resided at the Hague, whither the lords of the engagement, Lauderdale, Callendar, and Lanerk who succeeded to his brother Hamilton, and the exiled royalists, Montrose, Kinnoul, and Seaforth had repaired. The former advised him to accept the crown on the proposed

² Clarend. v. 271—84. Burnet's Mem. 388. Hist. i. 40. Whitlock, 578. Salmonet, 507. Huntley's death is ascribed to the instigation of Argyle, who had possessed himself of his estate. Yet it is admitted that Argyle opposed his death openly in parliament, and when it was carried against him, withdrew in disgust. Father Hay's Mem. MS. vol. ii. p. 381. Advocates' Library.

conditions;

conditions; the latter never to entrust his person; without an armed force, among the mutinous Scots; and such were their mutual animosities, that the former refused to associate, or consult with Montrose, whom, as a cruel, implacable enemy, they accused of every calamity which their country had sustained³. The opinion of the English counsellor prevailed, that Charles should embark for Ireland; where Ormond, in conjunction with the catholics, enjoyed a transient success. Till his arrival there, the proposals of the Scottish commissioners were artfully deferred. The extravagant offers of Montrose, to establish his throne by arms, were secretly embraced; and during a treaty with the Scots, a commission was insidiously prepared to levy troops for a descent on Scotland⁴. But the assassination of Dorilaus by Montrose's retainers, was resented so violently by the English commonwealth, that Charles was compelled to remove to Paris; thence to Jersey; while the defeat of Ormond, and the victorious progress of Cromwell, left no hopes of a retreat in Ireland.

A second invitation was received at Jersey, from the Scottish parliament; but the negotiations were transferred to Breda, as the island was neither commodious nor longer tenable. The proposals, transmitted thither by the earls of Cassilis and Lothian, required that the covenant should be received, and the presbyterian form of government

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Treaty at
Breda.

³ Baillie's Letters, ii. 377. Clarend. v. 287.

⁴ Baillie's Letters, 302—87. Carte's Life of Ormond, ii. 68.

confirmed

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confirmed by Charles; that in civil affairs he should adhere to the advice of parliament, in ecclesiastical to that of the general assembly; that the popish religion should cease to be tolerated; and that all declarations derogatory to the covenant; or commissions hostile to the kingdom should be recalled⁵. In these imperious conditions, from which the commissioners had no power to recede, more was even implied than expressed; not only a disavowal of Ormond's transactions with the Irish catholics, but the exclusion of such delinquents from court, as the parliament, by an *act of classes*, had declared incapable of public trust. Instructed by the usurpations of the two preceding reigns, the Scots determined to preserve whatever privileges they had hitherto acquired; and as the security of the church, and the preservation of the ruling party, were intimately connected with the tranquillity of the kingdom, they resolved to admit their sovereign conditionally to the dominions of his ancestors, without resuming the desperate attempt to seat him by arms on the throne of England. It was from these motives that public delinquents, whether engagers or malignants, who might instigate a rupture with England, or promote the arbitrary power of the crown, were proscribed from office and excluded from court; and that a confirmation of the covenant was demanded, as the only secure bulwark of the presbyterian church. But to Charles, whose views were mate-

⁵ Clarend. State Papers, ii. App. 53. Thurloe's State Papers, i. 147.

rially different, Scotland was valuable only as conducive to the recovery of England; and the limited prerogative of his ancestors before the accession, appeared an intolerable restraint. His English counsellors, who despaired of a reception in Scotland, were irreconcilable to the covenant; and represented his acceptance of those terms, as a shameful dereliction of the principles for which his father suffered. They observed that the Scots, since the event of the late engagement, neither proposed nor were possessed of sufficient strength to recover the English crown; but suggested no plan for his conduct, nor even the means of subsistence during his retreat. Hamilton and Lauderdale maintained with truth, that to reject the invitation were to relinquish, not only the possession of Scotland, but the chance of regaining his other dominions; that the neutrality which the Scots affected, could neither be preserved, nor the conditions rigorously exacted on his accession to the throne; and that it would be absurd, from an attachment to prelacy, so ruinous to his father, to renounce a kingdom prepared for his reception. Their advice was recommended by the queen mother. The prince of Orange was unable to conceive how the covenant, so similar to the compromise of the Netherlands, was incompatible with a crown⁶. But the king had enjoined Montrose, after the treaty was appointed at Breda, to accelerate his preparations for a descent on Scotland; and with the same duplicity continued to prolong

⁶ Clarend. v. 345, 6. Baillic, ii. 334. Burnet's Mem. 422.
the

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Expedition
of Mont-
rose.

the negotiations, till the result of an hostile invasion were determined⁷. From a reliance on fallacious predictions to which he was addicted, Montrose was persuaded that it was reserved for him alone to restore the family of Stewart to the throne; and Charles expected from the renown of the general, to recover the kingdom unconditionally, by force of arms.

Montrose, with arms supplied by the court of Sweden, and money from Denmark, had embarked at Hamburgh with six hundred Germans, commanded chiefly by Scottish exiles, and was transported early in the spring to the Orkneys. The natives of these sequestered islands, under an inclement sky, and amidst the horrors of a bleak and dreary climate, lived in profound repose, undisturbed by the civil wars, and unconscious even of public transactions, except from vague report. Their turbulent or warlike habits were extinguished by a century of oppressive coercion; and from islanders inured to the sea, and proportionably averse to a military life, resistance was neither to be apprehended, nor any effectual succour obtained. By a forcible levy reluctantly furnished, Montrose increased his diminutive army to fourteen hundred men. His design was to penetrate into the Highlands, where his former adherents might be roused to arms. When he crossed however to the opposite coast, the people, during his march through Caithness and Sutherland, instead of resorting to his

⁷ See NOTE XV.

standard,

standard, fled precipitately wherever he approached. Their country had not yet experienced the calamities of war; but the former excesses of his soldiers had excited an universal terror, which the appearance of foreign troops was not calculated to remove. The committee of estates were prepared against an invasion, which was the more formidable from his past renown. Strachan, a distinguished sectary who had defeated Middleton's late insurrection, was dispatched with three hundred horse to obstruct his progress, and was followed by Lesly with four thousand men. Neglecting the security of the hills, though destitute of horse, Montrose advanced beyond the pass of Invercharron, on the confines of Ross, where he discerned Strachan's cavalry issuing in three divisions from an ambuscade. The first was repulsed, but the second, led by Strachan, renewed the charge; the unwarlike islanders, terrified at the sudden irruption of cavalry, abandoned their arms; the foreigners retreated to a wood, and surrendered prisoners to an inferior force. When his horse was shot, Montrose was generously remounted by his friend lord Fren-draught, and in the disguise of a peasant, escaped by swimming across the river. His cloak and star, his sword and the garter with which he was lately invested, were discovered in the field, and a few days afterwards he was betrayed to Lesly by a friend to whose fidelity he entrusted his life^s.

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Defeated
and taken.

Whatsoever indignities the bitterness of party rage or religious hatred could suggest, were accumul-

Ungenerous
treatment,

^s Salmonet. Father Hay's Mem. MS. ii. 383. Wishart.

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ed on a fallen, illustrious enemy, formerly terrible and still detested. He was conducted through the north by the ungenerous Lesly, in the same mean habit in which he was detected. His cruel devastations were never forgotten; his splendid victories never forgiven, and he was exposed by excommunication, to the abhorrence and insults of a fanatical people. Dundee alone, which had suffered most from his arms, was touched with an honourable compassion at his misfortunes, and provided clothes and every accommodation suitable to his rank. His sentence was already pronounced in parliament, on his former attainder, with every aggravation which brutal minds can delight to inflict. He was received by the magistrates at the gates of Edinburgh; placed on an elevated seat, in a cart to which he was pinioned with cords, and, preceded by his officers coupled together, was conducted bare-headed, by the public executioner, through the principal streets, to the common gaol, while Argyle and his enemies appeared, it is said, at a balcony, to feast their eyes with the ungenerous spectacle. But his magnanimity was superior to every insult, and even the people prepared to curse him, were moved at his appearance and reverse of fortune, and their imprecations melted into prayers and tears. When produced to receive his sentence in parliament, he was upbraided by the chancellor with his violation of the covenant, the sanguinary introduction of the Irish insurgents, his invasion of Scotland during a treaty with the king; and the temperate dignity which he had hitherto sustained, seemed to yield at first to indignant contempt. He declared

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declared that he submitted only to appear uncovered, as the king had condescended by a treaty to acknowledge the estates; vindicated his dereliction of the covenant by their early rebellion, his appearance in arms by the commission of his sovereign; and forgetful of former devastations, protested that no blood had been shed by his followers except in the field. As he had formerly deposited, so he had again resumed his arms, by his majesty's express command, to accelerate the treaty commenced with the states; and requested finally, that divesting themselves of prejudice, they would consider him as a Christian with respect to the cause of quarrel; as a subject in regard of his master's commands; as their neighbour with relation to the many lives which he had preserved in battle. A barbarous sentence, which he received with an undaunted countenance, was then pronounced; that he should be hanged for three hours on a gibbet thirty feet high; and that his head should be affixed to the common gaol, his limbs to the gates of the four principal towns, and his body interred among common malefactors, unless he should repent, and were duly relaxed from the censures of the church. Argyle, as too much exasperated by personal injuries, refused to concur in the sentence or assist at the trial, which he was supposed to instigate; but in private he exulted at the destruction of his most inveterate foe.

Sentence,

° Wishart. Salmonet. Letter from Argyle in the Archives of the Lothian Family.

D D 2

The

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And execu-
tion of
Montrose.

The clergy, whose vocation it was to persecute the repose of his last moments, fought, by the terrors of his sentence, to extort repentance; but his behaviour, firm and dignified to the end, repelled their insulting advances with scorn and disdain. He was prouder, he replied, to have his head affixed to the prison walls, than his picture placed in the king's bed-chamber; "and far from being troubled that my limbs are to be sent to your principal towns, I wish that I had flesh enough to be dispersed through Christendom to attest my dying attachment to my king." It was the calm employment of his mind that night, to reduce this extravagant sentiment to verse¹⁰. He appeared next day on the scaffold, in a rich habit, with the same serene and undaunted countenance; and addressed the people, to vindicate his dying unabsolved by the church, rather than to justify an invasion of the kingdom during a treaty with the estates. The insults of his enemies were not yet exhausted. The history of his exploits was attached to his neck by the public executioner; but he smiled at their inventive malice, declared that he wore it with more pride than he had done the garter; and when his devotions were finished, demanding if any more indignities remained to be practised, submitted calmly to an unmerited fate.

Thus perished, at the age of thirty-eight, the gallant marquis of Montrose, with the reputation of one of the first commanders whom the civil wars had

¹⁰ See NOTE XVI.

produced. He excelled in the stratagems of war ; but his talents were rather those of an active, enterprising partisan, than of a great commander ; better fitted to excite and manage a desultory war, than to direct the complicated operations of a regular campaign, and in circumstances almost exactly similar, he was twice surpris'd, and his army destroyed. His genius was great and romantic, in the opinion of Cardinal de Retz, approaching the nearest to that of the ancient heroes of Greece and Rome. But his heroism was wild and extravagant ; prone to vast and desperate enterprises, without consulting the necessary means ; actuated rather by passion than virtue, by prejudices rather than regulated principles ; and was less conspicuous during his life, than from the fortitude with which he sustained an ignominious death. Within a few days he was followed to the scaffold by his principal officers ; for the fury of the covenant was not yet extinguish'd. Sir Francis Hay, Spottiswood the archbishop's grandson, colonel Sibbald, one of his attendants from England, and Hurry, who had alternately served and deserted the parliament and the king, were beheaded by the maiden ; a distinguished honour from which their commander was excluded ; but lord Frendraught, his friend, to prevent the public vengeance, preferred a Roman death ¹¹.

¹¹ Wifhart. Salmonet. Whitlock, 439. It is curious to remark in Clarendon, how Montrose's character, from premeditated assassination, improves by degrees, to the most heroical perfection. Hist. i. 298.

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Treaty of
Ereda.

The execution of Montrose, with circumstances of vindictive cruelty so dishonourable to the nation, and injurious to the interests of the ruling party, must be chiefly, yet not entirely ascribed to the revenge inspired by his former exploits, which had rendered him not less renowned abroad, than from his inhumanity, odious to his countrymen at home. But the duplicity of Charles was also repented, and it was apprehended that no treaty would be permanent, while Montrose was alive. His execution was accelerated to avoid intercession¹², and there is some reason to believe, that he was sacrificed to the fury of the church, to prevent a rupture of the treaty with the king. Wariston, Hope, Cheesly, Swinton, and others, proposed to recall their commissioners; and if Argyle were either averse to monarchy or ambitious of independent power, a fair opportunity occurred to persuade the nation to treat no more with a perfidious prince. But the resolution to recall the commissioners, was over-ruled by his influence and address¹³. The defeat of Montrose was productive only of an additional limitation, or an explanation rather of the former conditions, that Hamilton's party, together with the obnoxious royalists, should be excluded from court. The king inveighed at the execution of Montrose, as a violation of the treaty; but was silenced by an intimation of something which it imported his

¹² Whitlock, 439. Salmonet.¹³ Baillie, ii. 353. Sir Edward Walker's Journal of Affairs in Scotland, 157. See NOTE XVII.

honour

honour to conceal. His commission to Montrose when proclaimed in Scotland, was discovered, with his instructions to prosecute the invasion notwithstanding the treaty at Breda. Charles hesitated no longer to accept the conditions, and to receive the covenant if required, on his arrival ; and embarking with his court in a Dutch fleet employed to protect the fisheries, arrived in three weeks at the mouth of the Spey.

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Whatever mitigation of the conditions had been promised or expected, the jealousy of the Scots was increased by the late invasion, and the covenant was exacted from Charles before he was suffered to land. Hamilton, Lauderdale, Dunfermline, and other engagers, found it convenient to retire to their homes. His English attendants were either dismissed, or, from their compliances, a few were permitted to remain. He was received with every demonstration of respect, and nothing was omitted in his table, attendance, and equipage, which his dignity might require. But in other respects he was reduced to an idle pageant of state, without power, and almost without influence, which the covenanters were not disposed to resign. The insolence of the clergy was intolerable. The humble importance of their order was augmented by their firm opposition to the engagement ; and such of the nobility as engrossed the government, whose reliance was placed on their popular talents and influence, were compelled to yield to their most arrogant and capricious demands. From the

Reception
of Charles.

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genius of every ecclesiastical institution, the nation passed insensibly, from beneath the usurpations of aspiring prelates, to the same servitude under domineering and ambitious presbyters, who interposed in every deliberation; obtruded their advice into every department; and as their support was requisite in every public measure, nothing was attempted without the previous approbation of the commission of the church. Their usurpations were such, that the church had already assumed the character of a guardian, to superintend the temporal concerns of the state; but it was their peculiar province to instruct the religious faith of their young king. They approached his person in the most humble postures; but with exhortations replete with bitter invectives against the iniquity of his father's house, his mother's idolatry, or his own connection with malignants; exacted a judaical observance of the sabbath; reprehended every amusement or apparent levity in his court or person; and although he listened to their sermons with a grave deportment, although he endeavoured to conform to their long prayers and religious fasts, their importunities were irksome, and his dissimulation unsuccessful. They could neither reconcile his mind to their fanatical austerity, to Buckingham a topic of secret ridicule, nor could he persuade them that his conversion was disinterested or sincere. He had assumed a mask which he was not at all times qualified to wear; and his impatience or levity (nor was it always easy to resist a smile)

a smile) betrayed an aversion to their prayers and covenants, which it was difficult to believe that he ever meant to fulfil. His attempt to recall the engagers to court, the authors of a disastrous war with England, increased their distrust of his intentions to reign in Scotland only, according to the covenants; and if he was entrusted with no power, it is obvious that no confidence was reposed in his professions¹⁴.

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But the Scots were disappointed in their expectations of maintaining peace, by the observance of a strict neutrality with England. The progress of the treaty had been diligently watched, as conducive to hostilities; and the council of state determined, on the arrival of Charles, to carry the war into Scotland, to prevent a second invasion, which appeared inevitable, and, from the accession of the English presbyterians and royalists, might have proved disastrous to the new republic. Cromwell was recalled from the conquest of Ireland; and Fairfax was invited to resume the chief command. That able and conscientious general, though not averse to a defensive war, resigned his commission, which Cromwell received with affected reluctance, and well-dissembled joy. His march was preceded by the reputation of his horrible exploits in Ireland; his declarations, addressed to the saints and partakers of the faith in Scotland, transferred the violation of the covenant to the proclamation of

War with
England.

¹⁴ Livingston's Life, MS. Adv. Lib. Clarend. Hist. vi. 366, 7. State Papers. App. 59. Whitlock, 442, 3. Walker's Journal, 158, 9. Burnet, i. 73.

Charles

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Charles II. and their design to seat him, by a new invasion, on the English throne¹⁵. Such unremit-
ted expedition was employed, that within a month
after the king's arrival, Cromwell advanced with
sixteen thousand veteran troops to the banks of the
Tweed; but he found an enemy not unprepared
for his reception, and a country purposely laid waste
on his approach.

Prepara-
tions of the
Scots.

Argyle, at the head of the committee of estates,
had made the most vigorous preparations for de-
fence. On the first notice of an invasion from
England, a general levy was appointed through
the kingdom, and the open country was abandon-
ed, from Berwick to Edinburgh, on Cromwell's
approach. Every article of subsistence was re-
moved or destroyed, and in his march towards
the capital not a man was to be seen. But the ca-
pital was protected by a numerous army, securely
entrenched behind strong lines, flanked or swept
by the fortifications of Leith, and batteries erected
on the Calton-hill¹⁶. The impetuosity of Crom-
well was opposed by the cool and vigilant sagacity
of Lesly, (the aged Leven enjoyed a nominal com-
mand,) the disciplined enthusiasm of the indepen-
dents, by the ardent and fanatical zeal of the Scots.
The eyes and expectations of men were fixed on
two distinguished commanders, who had neither

¹⁵ Parliamentary Hist. xix. 276—98.

¹⁶ The King's park (including Arthur's Seat,) was lined
with his troops. His batteries, which kept Cromwell at bay,
were placed at the quarry holes. I conceive that Leith-walk
was a part of his lines.

hitherto

hitherto sustained a single defeat, and on whose respective successes not only the event of the campaign, but the fate of the kingdom was reduced to depend. Each was subjected to peculiar disadvantages; Cromwell, from the difficulty of procuring subsistence in a wasted country; Lesly, from the presumptuous confidence of the clergy, which exposed his undisciplined levies to an unequal contest with veteran troops. Cromwell, after a successful attack upon Arthur's Seat, which overhangs the city, withdrew to Musselburgh, unable either to force the trenches, or provoke the Scots to an engagement in the open plain. His retreat was harassed and disordered by the Scots. His rear was surprised next morning by Montgomery and Strachan, nor extricated and preserved without considerable loss. The disaster was repaired as usual by a solemn fast; but the indignation and hopes of the clergy were confirmed by Cromwell's impiety, who demolished or burnt the pews, and converted their churches into stables for his horse¹⁷.

Such of the rigid presbyterians as opposed originally the reception of Charles, were still averse to a war with England; and whatever limitations were imposed on his power, whatever insults were offered to his dignity, must be imputed to them. Their opposition to his recall was overruled by Argyle¹⁸; but from the universal joy, or from the

Declarations injurious to the king.

¹⁷ Parliamentary Hist. xix. 317. Walker, 162. Whitlock, 450, 1. Balfour's Short Memorials of Affairs of State, Anno 1650, MS. Adv. Lib.

¹⁸ See NOTE XVIII.

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neglect of discipline which his presence, during the late encounters, occasioned in the camp, their opportunities never ceased till he returned to Stirling. Their jealousy required that the camp should be purged of malignants who had crept into command, and when eighty officers were accordingly dismissed, an army composed of saints was pronounced invincible⁴⁹. They prepared a new declaration for the king to subscribe. On his refusal they procured a violent act from the committees of church and state; "that they espoused no malignant quarrel or party, nor acknowledged the king or his interest, otherwise than in subordination to God, but would vindicate themselves from the aspersion, that they owned and supported his majesty in all the proceedings of the late king." The declaration was communicated without authority, and without any pacific effect to Cromwell. But to Charles, the disavowal of his interests seemed conducive to an accommodation with his enemies, and he consented, with some qualifications, to sign a declaration not less injurious to his father's memory than his own reputation. Although he was bound, as a dutiful son, to honour his father's memory, and to hold his mother's person in estimation, yet he desires to be deeply humbled and afflicted in spirit, for his father's adherence to evil councils, and opposition to the covenants, by which the blood of the faithful had been pro-

⁴⁹ Four thousand of the best men were dismissed, according to Walker, 165; but his extravagance may be corrected by Balfour, who mentions only eighty officers.

fully

fully shed; and for his mother's idolatry, the toleration of which in the king's house was a matter not only of offence to the protestant churches, but undoubtedly of high provocation to a jealous God. He declares that he received the covenant with no sinister nor improper design; professes to have no enemies but those of the covenant, which he exhorts his subjects, as they value his protection or favour, not to resist; annuls his treaties with the Irish Catholics; recalls his commissions against the English trade; promises to confirm the propositions of the two kingdoms presented to his father, and to grant an indemnity to all but the authors of his murder; and requires the well-affected in England, since the sectaries have invaded Scotland, not to omit the opportunity to re-establish their ancient government²⁰. The declaration, how dishonourable soever to his father's memory, or degrading to himself, was well adapted to unite the covenanters, and reconcile the English presbyterians to his cause. But another test of his sincerity was required. A day of public humiliation, to be observed by his household and the whole kingdom, was proposed as preparatory to his coronation, to atone for the opposition of his ancestors to the re-

²⁰ Walker, 166. Balfour's Mem. MS. This declaration is misplaced both by Hume and Burnet. The former, to aggravate the extreme rigour of the clergy, supposes that it was tendered as soon as the king arrived, before a suspicion of his duplicity had transpired; the latter, to aggravate his duplicity, postpones it till after the defeat of Dunbar, and the remonstrance against the admission of malignants.

formation;

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formation ; the defection of James from the covenant ; the mal-administration, or encroachments of Charles I. on the church ; the queen's idolatry, and his own early connection with inveterate malignants. This national humiliation, which was implied in the declaration, is represented as a public penance prescribed for Charles ; but it also denotes the suspicions entertained of his sincerity, and the extravagance to which the fanatical genius of the nation had arrived ²¹.

Cromwell
reduced to
distress.

In the meanwhile, every military stratagem was attempted by Cromwell, impatient for action. From Musselburgh he retired to Dunbar, to withdraw the Scots from their intrenched situation, and returned to encamp on the Pentland hills, to deprive the city of supplies from Stirling. But his own supplies from Dunbar were interrupted ; and as Lesly's situation, who advanced to face him, was too advantageous to be attacked, he returned to Musselburgh, to preserve the communication open with his fleet. As the season advanced, his situation soon became critical ; his troops were sickly, his provisions were almost exhausted, and it was difficult to procure timely supplies by sea. It was necessary to retreat from a country where he was unable either to resist or encounter the enemy ; but in his retreat to Dunbar, he was harassed and pursued by Lesly, who pre-occupied the heights of Lammer-muir, seized the most difficult passes to Berwick, and with an army daily strengthened by

²¹ Walker, 166. Livingston's Life, MS.

reinforcements, hung like a portentous cloud on the hills. The situation of Cromwell was confessedly desperate. His retreat was intercepted at Cockburnspath, through which it was impossible to penetrate, with Lesly on his rear; but in this desperate extremity, when prepared to embark his artillery and foot, and to break through with his cavalry to Berwick, he was relieved by the good fortune which on all occasions attended his arms. After an uniform display of those superior military talents which, with undisciplined troops, had baffled and reduced a veteran army, flushed with success, and the first general of the times to extremity, the unfortunate Lesly, on the eve of an unbloody victory, was ruined by the frenzy of the clergy, or rather the national precipitation of the Scots ²².

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Whether, as the result and reward of their prayers, the preacher had announced the destruction of the sectaries, the operations of Lesly were controlled by a committee of church and state, impatient of the fatigues of the field, and apprehensive only of the enemy's escape. They blamed their general as slow to strike, and extirpate the sectaries; and with the same temerity which had proved so fatal at the battle of Kilsyth, they ordered the army to quit the hills, notwithstanding his remonstrances, that all was sure where they remained, but that all might be lost when they engaged in action. Cromwell and his officers

Battle of
Dunbar.

²² Parl. Hist. xix. 339. Walker, 179. Clarendon, vi. 376. Burnet, i. 74.

were

were employed that day in a solemn fast ; when he discerned through his glass an extraordinary movement in the Scottish camp. “ They are coming down,” he exclaimed with devout exultation, “ the Lord hath delivered them into our hands.” They continued, during a tempestuous night, to descend from the hills. Before they were arranged for battle in the morning, while their matches were extinguished, and their horses partly unsaddled and grazing, they were attacked by Cromwell, whose troops had been carefully preserved from the storm, and the advantage of numbers opposed to discipline, was lost in consequence of their irretrievable disorder. The English were at first repulsed, but after a short and unequal conflict, the Scottish horse were overthrown and dispersed ; the infantry, pierced by their own and the English cavalry, abandoned their arms, their artillery, their baggage, for an ignominious flight. Two regiments only maintained their ground ; but they perished in their ranks. Above three thousand were killed in the pursuit. Five thousand wounded prisoners were dismissed from the field, which was strewed with arms, and an equal number were driven into England like herds of cattle, and transported afterwards to the plantations as slaves²³. The victory is compared, by a celebrated historian, to the battle of Pinkey in the preceding century ; but is justly discriminated as more fatal to Scotland, since it was improved with greater dili-

²³ Parl. Hist. xix. 339. Whitlock, 425, 6. Crawford's Hist. MS.

gence, skill, and success.²⁴ The fortifications of Leith were abandoned; Edinburgh opened its gates to Cromwell; and the castle alone remained in the southern counties, to retard the progress of his victorious arms.

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The victory was not more acceptable to Cromwell, than the defeat to Charles, how disastrous soever it might prove to the kingdom. He beheld the army of the church dissolved, and the party hastening to its own destruction. Lesly, with the dispirited remainder of a numerous army, retired to Stirling to secure the passes, but justice was done to the abilities of that unfortunate general, who was acquitted of misconduct, and restored to the command²⁵. But a new army remained to be raised; and without the assistance of such as were excluded, or dismissed from the former, it was impossible to provide for the national defence. A coalition of all parties was requisite for the public safety; the lords of the engagement were invited or permitted to return to court, and the committees of church and state were moved to accept the services of those who had made defection, or maintained, as it was termed, a detestable neutrality. Two resolutions were prepared on the subject; that a profession of their repentance ought to be accepted, and that they should be admitted on repentance, to share in the service and defence of the kingdom. When these resolutions were adopted by a parliament, held at Perth, malignants,

Royalists
admitted to
serve.

²⁴ Robertson's Hist. of Scotland, i. 125.

²⁵ Baillie, ii. 350. Walker, 182—6.

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New dis-
sections.

engagers, and all included in the act of Classes, by a specious or ludicrous repentance, hastened to deserve public employment and trust. But the resolutions were productive of a new defection, of the party originally averse to the king, or to a war with England. Their clergy protested against the commission of the church; that to admit the support of the disaffected, was little else than to betray their cause; and that the profane mockery of their affected penitence was an insult to God, from which no blessing nor success could arise. Their protest was not taken in vain. A separate association against the sectaries, and a remonstrance against the king, were prepared by Renfrew, Air, Galloway, Wigton, and Dumfries, the most fanatical counties of the west; and the nation, as well as the church, was divided henceforth into public resolutioners, and protesters, or remonstrants. The five associated counties remonstrated against the treaty with the king as criminal; enumerated the most invidious instances of his insincerity, since the commission to Montrose; proposed that he should be excluded or suspended at least from the government, till sincerer fruits of repentance were discovered; demanded that his ministers, Argyle and Loudon, should be displaced and the state new modelled, and protested that it was unjust either to impose on others, a prince unworthy to reign in Scotland, or to interpose in the affairs of an independent nation. The remonstrants were desirous to remove the cause of hostilities with England; but their remonstrance, with some hesitation, was condemned

as seditious by the committee of estates. As their association, however, still subsisted, their levies, to the number of five thousand, were withheld from government, and their defection was confirmed by the king's unexpected escape from court ²⁶.

Whether disgusted at the invectives of the clergy, or alarmed at the idle surmises of his followers, that he would be delivered up, as a peace-offering, to the English army, he began a secret correspondence with the royalists, and an extensive insurrection was projected in the north. On the same day that the king should escape, the committee of estates were to be surprised and seized by highlanders introduced into Perth. Dundee was to be secured by lord Dudhope, its constable; lord Ogilvy was to take arms in Angus; Middleton and the marquis of Huntley in the north. But this ill-concerted conspiracy was betrayed by Buckingham, and his escape was delayed beyond the appointed day. When he crossed the Tay, under the pretext of hawking, instead of the numerous forces which he expected, he was received at Clova, by a few highlanders in a miserable house, and on the arrival of Montgomery from the committee of estates, was persuaded to return ²⁷.

This incident was termed the *Start*; and although the mistrust of the covenanters, and their

Coronation
of Charles.

²⁶ Burnet, i. 76. Baillie, ii. 358—61. Balfour's Memorials, MS.

²⁷ Walker, 197. Baillie, ii. 356. Balfour's Memorials, MS. Had the committee of states known the extent of the conspiracy, or the design of seizing themselves, it is not probable that they would have so easily forgiven the *Start*.

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apprehensions from the royalists, were fully verified, yet from the danger of resorting to such desperate councils, the king's situation was unexpectedly improved. The insurgents, who had taken arms by his orders, obtained an indemnity at his request. From the situation of a prisoner, in which he was regarded by such as were excluded from court, his person was no longer inaccessible to his friends. His coronation was no longer deferred by parliament; but it was preceded by a fast for the sins of his family, and another national humiliation for the dangerous contempt to which the gospel was reduced. It was performed with every regal solemnity at Scone. The covenant was again confirmed and sworn. The crown was placed on his head by the marquis of Argyle, who had reason to complain, that his own head was the ungenerous forfeit. When admonished by the clergy to adhere to his covenanted vows, Charles was saluted with acclamations destined never to be verified, as the first covenanted king of the Scots. His authority was sufficiently established by the admission of his friends to parliament, and the removal of the remonstrants from the committee of estates. Argyle, however, was still so considerable, that the king descended to the disingenuous proposals of a marriage with his daughter, but that discerning nobleman, convinced that the king was secretly estranged from him, regarded every offer as a snare for his destruction²⁸.

²⁸ Baillie, ii. 360—6. Burnet's Hist. i. 79. Clarendon, vi. 395.

Amidst these transactions, the loss of the western counties was severely felt. Their forces were withdrawn to Dumfries; while Cromwell, after an unsuccessful attempt on Stirling, advanced to Glasgow without interruption. On Montgomery's approach from Stirling, to unite with the western forces, or to reduce them to obedience, their commanders endeavoured to prevent his junction by some previous exploit. They attacked the English quarters at Hamilton, where Lambert was stationed, contrary to their expectations, with a considerable force; and although at first successful, they were repulsed and routed: although their loss was inconsiderable, Ker, their commander, was wounded and taken prisoner; Strachan, disbanding such as rallied, deserted to Cromwell, his former commander, and the western forces were dispersed in a long pursuit²⁹. Edinburgh castle, a virgin fortress, which had hitherto defied the besiegers' mines, was betrayed as soon as the batteries were erected; and the very clergy who had fled for refuge thither, protested against the cowardice or treachery of the governor. The castles of Roslin, Tantallon, Hume, and others, were successively reduced; and during the winter season, the whole country within the Forth and Clyde was subdued by Cromwell³⁰.

Notwithstanding these accumulated and rapid misfortunes, the most vigorous preparations were

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South of
Scotland

Reduced by
Cromwell.
1651.

Plan of de-
fence.

²⁹ Baillie, ii. 364. Parl. Hist. xix. 444.

³⁰ Id. 449. Baillie, ii. 368. Whitlock, 463.

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made for the approaching campaign. The more violent covenanters, who embraced the remonstrance, abandoned Charles, and the defence of their country; but the moderate united with his friends for its preservation, and the resources of a party yet untried remained. Royalists and covenanters were indiscriminately admitted; volunteers of all ranks, who had languished under the proscription of their party, crowded with emulation to the royal standard, and as the levies were completed from each county, an army not inferior to the former was collected at Stirling. The king assumed the command in person, at the request of the estates. The duke of Hamilton was appointed lieutenant, Leslie major-general. Adhering cautiously to the defensive plan of the former campaign, they encamped in the Torwood, a few miles from Stirling, where their front was protected by the Carron and strong entrenchments, while the northern counties were open behind for provisions and supplies. The plan was imperfect, as another army was requisite beyond the Forth, between which and the king's at Stirling, Cromwell would never have ventured to interpose. His military operations, suspended by sickness, were resumed on his recovery; but he found the situation of the Scots impregnable, and their resolution to decline an engagement invincible. Six weeks were thus inactively consumed, till Overton crossed into Fife, to intercept their supplies. Holburn and Brown were dispatched to oppose him; but as Lambert had followed with two thousand men, the Scots, after

Disappointed by
Cromwell.

after a desperate engagement, in which the cowardice or misconduct of Holburn, and the personal valour of Brown were conspicuous, were almost entirely destroyed. Their gallant commander was taken prisoner; and at a disaster ultimately so fatal to his country expired of grief. Inverkeithing, Burntisland, and other fortified places in Fife, were immediately surrendered; and Cromwell, transporting the remainder of his army thither, advanced to Perth, into which a garrison was just introduced. Such was the rapidity and vigour of his arms, that on the same day the moats were drained, the walls were battered down with his cannon; and lord Duffus, the governor, to avoid a general assault, was compelled to yield³¹.

B O O K
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1654.

In the present extremity to which Charles was reduced, his resources in the north were intercepted; the desertion of his troops increased, and as Cromwell might refuse to fight without eminent advantage, it was speciously alleged that no choice remained, except to starve, disband, or to march into England. But the possession of Scotland was disregarded unless as conducive to the recovery of England; the way was now unobstructed and open, and as his troops were nearer than Cromwell's to the capital, the desperate resolution was embraced by Charles, to abandon one kingdom for the precarious chance of regaining another, where he expected to be joined on his arrival by his numerous friends. The resolution was opposed

King's
march into
England.

³¹ Baillie, ii. 470—2. 4. Parl. Hist. xix. 494—7. 500. Balfour's Mem. MS.

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by Argyle alone, but with arguments confessedly of no inconsiderable strength. It was ungenerous to desert a loyal people who, when a convenient asylum was necessary, had received and continued to support him on the throne; much more to deprive them of their last army, and to leave them a defenceless prey to an unobstructed conquest. To remain on the defensive, in a country where his authority was acknowledged, was safer far than to transfer the war into another, where no insurrection was prepared for his support; and if the passes to the north were pre-occupied, the west and south were abandoned, or left unprotected by Cromwell. If a defensive war were continued, the present force might again reduce him to his former difficulties; and an army levied beyond the Tay, would compel him either to submit or retreat to his ships. But the assistance to be obtained in England was a delusive hope, of which they were miserably disappointed in the last expedition; nor from its unfortunate event, or from the recent detection of their correspondence with the presbyterians, was greater success to be expected from the present. Argyle, whose reasons were rejected, was permitted with some hesitation to retire to his estate. The camp was suddenly raised, and Charles advanced into England, by rapid marches, with an army of eighteen thousand men³².

Pursued by
Cromwell.

It is uncertain whether Cromwell was surprised or pleased, at an event to which his operations

³² Clarend. vi. 397. Burnet's Mem. 426,

had so materially contributed. He knew that the royalists were a broken, dispirited party, and the conspiracies of the English presbyterians were detected and suppressed. His conduct was the same at Preston, where he interposed between the enemy and their return to Scotland, and he foresaw the ruin of the king from his march into England, and the destruction of his own troops from a winter campaign³³. While he exhorted the parliament not to be surprised at the approach of the Scots, he ordered the militia to assemble, and obstruct their progress; dispatched Lambert with the cavalry to retard their march, and leaving Monk, with seven thousand troops, for the reduction of Scotland, hastened forward himself, within two days, in pursuit of the king.

But the expectations of the king were disappointed, and he was joined in his progress through Lancashire, neither by the presbyterians nor his father's friends. None were prepared to support an unexpected invasion, which resembled rather a precipitate flight. The militia that guarded the public roads prevented their assembling, and while the event was uncertain, they remained undetermined; intimidated by Cromwell's incessant pursuit. The royalists were deterred, besides, by a declaration of the committee of ministers, to admit of none who opposed the covenant, which the army was intended to prosecute and restore; the presbyterians, by an intercepted letter from Charles to Masséy, who preceded his march, to suppress

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King disappointed of aid.

³³ Parl. Hist. xix. 500.

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this declaration which the clergy had prepared. From the same distrust of his sincerity or success, the Scots attached to the covenant, deserted so fast, that his army was diminished to fourteen thousand. At Warrington bridge their passage was disputed by Lambert, who retired in real or affected disorder; but the sagacious Lesly, whom the king reproached as alone dispirited, already presaged their approaching destruction³⁴. Exhausted by fatigue, and unable to prosecute their march to the capital, they were invited to Worcester, a loyal city, where, from its vicinity to Gloucester, Massey expected to be joined by his former adherents. But the militia, whose numbers amounted to eighteen thousand, closed around the devoted city, and when Cromwell arrived with a veteran army almost equally numerous, there were no hopes of retreat, hardly the chance of escape remained.

Battle of
Worcester.
Sept. 3.

The assault was appointed on the third of September, as a day propitious to Cromwell, and fatal to the Scots from their defeat at Dunbar. Fleetwood, his lieutenant, attacked the enemy beyond the Severn, and while their communication was preserved by a bridge of boats, the assault of Worcester was reserved for himself. Such was the obstinate resistance which Fleetwood encountered, that a large part of the army was transported by Cromwell across the Severn; but while his troops were thus divided, the Scots, to prevent the assault

³⁴ Parl. Hist. xx. 4. 8. 18. Clarend. vi. 409. Baxter's Life, 68.

which they dreaded, burst forth with their whole force, at the opposite gates. Their attack was at first successful; his invincible life-guards began to recede, and for some time his artillery remained in the possession of the Scots. His return with fresh forces restored the battle, which was obstinately disputed, in close encounter, upwards of three hours with alternate success. The Scots, oppressed by superior discipline, and overpowered by numbers, fled in disorder to defend the unfinished entrenchments of the city; but the enemy had already entered the gates, and all within was confusion and dismay. While the citadel was stormed, and fifteen hundred were put to the sword by Cromwell, provoked at their resistance, Charles escaped through the opposite gate, with the horse who abandoned their foot to destruction. The whole battle, one of the severest which Cromwell had ever witnessed³³, subsisted five hours till the descent of night. Three thousand were slain in the field. Ten thousand prisoners were taken in the town, or in the pursuit next day; and when driven to London, such as survived the mortality of a crowded prison, and the want of food, were shipped for the plantations. The duke of Hamilton was mortally wounded. Eleven noble-

³³ Parl. Hist. xx. 44—6. 63. Whitlock, 482. Clarendon, and the historians who transcribe his narrative, misrepresent the behaviour of the Scots extremely. Cromwell, whose dispatches contain the only distinct account of the battle, does them more justice. "Indeed it was a stiff business—a very glorious mercy—as stiff a contest," says Cromwell, "as I have ever seen." Id.

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King's
escape.

men were taken prisoners, among whom the earls of Derby and Lauderdale were destined, the one for the scaffold, the other for perpetual imprisonment in the tower. Lesly and Middleton, who escaped with the horse, were intercepted in Yorkshire; and if a few fugitives were preserved by flight, none returned in a body to Scotland ³⁶.

The king's escape from the battle of Worcester, has been frequently related, and is perhaps sufficiently known. While the world was ignorant, or apprehensive of his fate, he was preserved by the most exemplary fidelity, attended with circumstances of the most romantic distress. Disengaging himself from the horse that accompanied his flight, he rode with a few friends to the confines of Stafford and Shropshire, and dismissing his attendants before the break of day, was recommended to the Penderells who lived at Boscobel, in the humble and laborious situation of woodmen. All day he remained in the woods, disguised as a peasant, employed in cutting faggots with a bill. By night he was conducted from cottage to cottage, subsisting on the homely fare of his attendants. On one occasion he took refuge in a large oak, where, concealed himself by the leaves and branches, he discerned and overheard his enemies, who searched for fugitives in the adjacent woods. When conveyed to persons of a higher rank, the recesses used in every popish family to secrete their priests, were employed for his preservation; and as the civil

³⁶ Parl. Hist. xx. 53—7. Clarend. vi. 411. Whitlock, 485.

wars had served not only to detect the characters, but to prove the resolution and fidelity of men, the confidence to be reposed in each was precisely known. As his stay was no longer safe in the midst of the kingdom, surrounded by enemies, with a large reward attached to his head, he was conveyed to the neighbourhood of Bristol, by the contrivance of colonel Lane, whose sister rode on a pillion behind the king. As it was impossible to procure a vessel, he was conducted to colonel Windham's in Dorset, and disappointed again of shipping, experienced the most imminent dangers and unexpected escapes. On one occasion, a smith observing that his horse had been shod in the north, went to communicate his suspicions to a fanatical preacher, engaged in prayer; but before his devotions were finished, the king had departed. In descending a hill, with a female cousin of Windham's behind him, he encountered Desborough the parliamentary general, and passed undiscovered through his whole line. A vessel was at length procured at Shoreham in Suffex, and forty-five days after his escape from Worcester, Charles was safely transported to France. Fifty persons of each sex were entrusted at different times with his concealment, and if estimated by the obscure condition of his preservers, and the magnitude of the reward, his escape, which was deemed miraculous by his adherents, has been exceeded only by that of the late pretender, his brother's grandson, from the battle of Culloden ³⁷.

³⁷ Carte, iv. 639. Bate's Elenchus, 240. Clarend. vi. 413-18.

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Reduction
of Scotland.

When the army was thus withdrawn from the defence of Scotland, the reduction of that kingdom was accomplished without loss, and almost without resistance. Stirling castle was provided with whatever was requisite for its defence; but the garrison consisted of highlanders, unaccustomed and averse to the perils of a siege. Terrified at the explosion of the shells, they mutinied against their commanders whom they forced to capitulate, and departed, loaded with the plunder of the fortrefs which they refused to defend. The records of the kingdom, preserved by the capitulation of Edinburgh castle, were re-taken at Stirling, and unnecessarily transported by Monk to the tower of London. His arms were directed then to Dundee, a rich and fortified town in which the wealth of the adjacent country was secured. An unavailing resistance was encouraged by the promise, or the hopes of relief; but the committee of estates were surprised at Elrith, and taken prisoners by Alured, who dispersed the levies which they had begun to prepare. A similar attempt of the royalists was suppressed at Dumfries; and no public authority, nor force remained for the preservation of the kingdom. From the intemperance of the royalists, Dundee was won by surprise or storm. The garrison was devoted to the sword; the inhabitants of each sex and of every age were abandoned by Monk, to an indiscriminate massacre; and the gallant Lumsden, their governor, after obtaining quarter, was put to death at his inexorable command³⁸. Montrose, Aber-

³⁸ Parl. Hist. xx. 29. 56. 62. Balfour's Memorials, MS. Whitlock, 482—4. Gumble's Life of Monk, 43. Statistical Accounts, vii. 212.

deen, and St. Andrews, surrendered at discretion, deterred from resistance by this severe example. Huntley and the earl of Balcarras retired to the Highlands, with an inconsiderable party, on the approach of Monk, whose detachments penetrated to the remote isles of the north. As the first conquest of their new republic, the English boasted the subjection of a country impervious to the Romans, which had resisted the arms and the arts of Edward and Henry, their former kings³⁹.

It is extremely probable that Cromwell, to facilitate his own usurpation, had already destined the kingdom for a military government under his officers, but the parliament was careful to reserve the civil administration to itself. St. John, Vane, and six others were appointed commissioners to settle the kingdom, with instructions to adjust an incorporating union; and under these specious terms, the introduction of an English government was artfully disguised. Delegates were summoned to attend the commissioners; but the slow returns of the Sheriffs demonstrate that the union was a compulsive measure, unacceptable to the Scots. The clergy protested against it, as conducive to the subordination of the church, in the affairs of Christ. The boroughs and shires who refused to send delegates, or whose delegates refused to accede to an union, were, the former disfranchised, and the latter excluded from the protection of government⁴⁰. Thirty-four delegates, out of ninety counties and

Union with
England.

³⁹ Whitlock, 486—9. Balfour's Mem. MS.

⁴⁰ Whitlock, 487—99. 502.

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towns to whom writs were issued, concurred at length in an union; or rather in their choice of representatives to arrange the conditions with the English parliament. In terms imposed by the sword and received from necessity, there is no reciprocal communication of benefits; between the conquerors and the vanquished no balance of obligations is preserved. A transaction in which power alone was consulted, would ill deserve our attention, were even a single record of the deliberations extant. If availing themselves of the right of conquest, the English proposed to abolish the municipal laws and established church, they were probably deterred by the fortitude of Argyle, who alone acted with public spirit, amidst the national calamities which might have been prevented by his advice. When he withdrew from the army, his counsels and presence were obnoxious to Charles; but when he discovered Cromwell's intention to treat the country as a conquered province, he fortified himself on his estate; invited Huntley and the royalists to form an association for mutual defence, and from his own authority, summoned a convention of estates in the highlands. The confederacy, from personal or family animosities, was rejected by Huntley; Balcarras and the royalists capitulated with Overton, and consented to disband. From an abject despair of the public safety, his summons to the estates was attended by none; but his firm and resolute conduct inspired the conquerors themselves with moderation. Two of the commissioners, Saloway and Dean, condescended

to

to visit, and treat in person with that potent chief-tain, whom they surpris'd at Inverary; and it must be acknowledged that he was the last to submit to Monk, the last to accede to an union with England⁴¹. From the violent dissolution of the English parliament, on the usurpation of Cromwell, the conditions of the union remained undetermined. But the union itself was supported by a numerous army, and the subjection of the people was preserved by a chain of forts, whose vestiges still remain, in the remotest corners, to remind the nation of its former servitude.

Review of
parties and
events.

Such was the calamitous issue of a series of wars, undertaken from principles of civil and religious liberty; an ancient nation till then unconquered, subdued by a party hardly perceptible in England when the wars commenced. When we review the transactions, and estimate the most distinguished characters of the period, the unexpected success of the Scots, in opposition to the crown, must be imputed chiefly to the talents of their leaders, and the union preserved among the prime nobility attached to the covenant. In the timid, irresolute moderation of Hamilton, in the bigoted, short-sighted violence of Laud and Strafford; or in his own obstinate, and imperious disposition, Charles I. found no resource against the flexible and popular talents of Rothes; the shrewd dexterity, persuasive eloquence, and address of Loudon; the cool and profound sagacity of Argyle; the dark, yet not inconsiderate impetuosity of Lauderdale; the subtle

⁴¹ Whitlock, 486—9—90, 1.

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and inventive enthusiasm of Wariston. The superiority of military talents was also theirs; and Montrose and Middleton, the most distinguished commanders of the opposite party, contributed originally to establish the covenant. But the advantages derived from their union, were lost in consequence of the fatal engagement. The nation was preserved from destruction by the interposition of Argyle, but was exposed to the same danger when Charles II. was invited home to receive the crown. Their connection with England had already subsisted so long, and became so intimate, that it was impossible on his return, to remain at peace with the new republic, and very difficult, from their internal dissensions, to resist its arms. Tranquillity may be preserved by a federal alliance between different governments, whose structure is similar, but no alliance nor confederation could subsist between the English commonwealth and a Scottish monarch, its inveterate opponent. It was obvious that the weaker must perish in such a deadly contest. A distracted nation, impoverished and exhausted by successive wars, presented an easy conquest, and from the inveteracy of its factions, could exert but half its strength against an invading foe. But the political situation of the Scots was disregarded; their loyal feelings were alone consulted in the recall of the king. The considerations of expediency, and the dictates of sound policy were forgotten, when the same nation which had refused an asylum to the father, submitted voluntarily, to an exterminating war, by the reception of his son. We may blame on the one hand,

hand, a rigid and absurd attachment to the covenant; or on the other, an abject nor less intolerant devotion to the crown; but the primary cause of their subjection to England, was the recall of Charles, at a time when the nation was unable either to support his rights, or assert its own independence with success. Measured by the common rules of expediency and prudence, the deed which we must applaud as generous, must be condemned as impolitic and ruinous to the kingdom.

During the subsequent usurpation of Cromwell, the history of Scotland is suspended and almost entirely silent. Its historians seem to avert their eyes, from a period of ignominious, yet not intolerable servitude; but the silence ascribed to their vexation and shame, may be better explained by the inglorious state to which the nation was reduced. As the origin, and as an active confederate, it maintained a distinguished character during the civil wars; but its importance was lost, and its independence extinguished, when incorporated by a compulsive union with England. As the nation had no share in the naval expeditions and triumphs of Cromwell, its external history ceased with its government; and the imperfect annals of its domestic servitude, are distinguished only by a single insurrection which I shall proceed to relate.

When Monk was recalled to the command of the fleet, the earls of Glencairn and Balcarras, encouraged by his absence, or apprehensive that their correspondence with Charles was detected, retired

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to the highlands, where a few tribes were prepared to take arms. They were joined by the earl of Angus, Montrose, lord Kenmure, and Lorn the marquis of Argyle's son; from the saving policy to adhere to a different party from his father, that which side soever should prevail, the family might be preserved⁴². It is seldom that a conquered people submits at once to a foreign yoke. Notwithstanding the vigilance of Lilburn to disperse their levies, many of the young and discontented gentry repaired to the highlands, where the most serviceable horses were conveyed for their use. Their numbers amounted to five thousand, a greater force than Montrose commanded; but Glencairn, who proposed to imitate his exploits, possessed no share of his exalted, enterprising spirit, or of the ascendancy which genius acquires over the minds of men. His authority was disputed, and on producing a commission from Charles, reluctantly obeyed. Diffensions encreased to such a shameful height, that Middleton, who had escaped from the tower, was invited and sent from court to supersede Glencairn, who withdrew with his friends, and as he was the first to take arms, his premature submission to the English gave the first example of a contagious defection.

Singular
enterprise.

A singular and romantic enterprise was undertaken by Wogan, an adventurous young man, who attended the court of the exiled king. When engaged in his early youth in the service of parlia-

⁴² Baillie, ii. 377—94.

ment,

ment, he was reclaimed by the execution of Charles I. From a restless spirit, impatient for action and distinction, he determined to march through England to Middleton's assistance, with whatever troops he could collect on the road. Not all the entreaties of his friends, neither the advice of Charles, nor the opposition of the ministers could dissuade him from the attempt. He landed at Dover with a few companions, who remained three weeks undiscovered at London, enlisting men among their acquaintance and friends, and purchasing horses, which were quartered openly at the public inns. Departing under the designation of Cromwell's soldiers, a troop of four-score horse completely armed, was conducted by Wogan, through unfrequented roads, without a single misadventure, to the highlands of Scotland; where his valour was conspicuous in different encounters; but from the want of skilful assistance, he died prematurely of an inconsiderable wound ⁴³.

The royalists, who had anxiously solicited foreign auxiliaries, to confirm their party, were taught to expect the arrival of Charles or of his brother James. But their situation was too desperate, and the escape of the former was too recent, for either to endanger his person in a new expedition. From Monk's severity, on his return with additional forces to suppress the insurrection, no hopes of accommodation or success remained. The *protector*, still insecure in his late usurpation, was apprehensive however, that an insurrection in Scotland might prove a dan-

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tion sup-
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⁴³ Clarendon, vi. 507.

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State of
Scotland
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gerous prelude to commotions in England. An indemnity was privately offered, which was successively embraced by the earls of Athol, Seaforth, Montrose, Kenmure, and at length by Lorn, whose father had already submitted to receive an English garrison; and Middleton, weakened by their defection, was surpris'd at Lochgeary, and his forces dispersed. Had they continued united, their numbers and despair might have rendered the highlands impervious to Monk. But his army penetrated without opposition through the highlands, the reduction of which was completed and preserved by his numerous garrisons; and the depredations of the lawless natives, were restrained for once by a vigorous arm⁴⁴.

Such was the last effort of resistance, and how incessant soever the suspicion of plots and conspiracies, such was the only public, or important event that occurred in Scotland, during the protectoral reign of Cromwell. The history of a free people, or of a people struggling to preserve, or recover their freedom, when their various talents, their passions and faculties are roused and exerted with an unwonted energy, presents an impressive spectacle to the human mind. But a state of servitude is dull and oblivious. A few years of liberty are more interesting, and far more instructive to humanity, than an age of despotism. Yet the civil and military institutions of the conqueror, the in-

⁴⁴ Clarendon, 539. Baillie, ii. 378—94. Burnet, i. 85. Thurloe's State Papers, ii. 388—483. Gumble's Life of Monk, 82. Skinner, 66. Whitlock, 5. 79.

novations produced by a new government, and the internal, progressive state of the country and its inhabitants, may furnish a subject of curious inquiry, when the history of public transactions is silent. Without adhering rigorously to the period of the usurpation, I shall proceed concisely to examine, I. The government, under which the constitution, arms, and revenues of the state, the administration of justice and religion are comprehended. II. The useful and refined arts, including the commerce and literature of the nation. III. The manners of the people, and the discriminative character and habits of the age.

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I. The civil administration was lodged at the accession, in the privy council, from whom it was afterwards transferred to the committee of estates. From the additional power and splendor which the crown acquired, the constitution was sunk and lost in an arbitrary government, in which the will of the sovereign, of old so limited, became the supreme law of the state. The ancient nobility were subjected to the crown, and were either gradually excluded from a seat in council, or their authority was overruled by the prelates and minions of the court. Their indignation at being deprived by an upstart faction, of their former power and hereditary influence, contributed not a little during the subsequent commotions, to their opposition to the crown. On regaining their influence, the supreme authority was vested in the committee of estates, which was responsible only to parliament, and controlled by the commission of the church

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church alone. But as every established authority was swept away, or annulled by the rights of usurpation and conquest, the nation groaned under a military government till the royalists were suppressed, when a council of state was instituted, under lord Broghill its president, to reside in Scotland, subordinate to the protector and his council in England. Of nine members, Lockhart and Swinton were the only Scotsmen; but its powers, more extensive than those of the privy council, comprehended the civil administration, the disposal of the revenue, the regulation of the exchequer, the appointment of commissioners of customs, excise, sequestrations, with the whole train of subordinate officers; the nomination of inferior judges, sheriffs, commissaries, and justices of peace. By an additional authority over the church, its approbation was requisite to entitle the clergy to the fruits of their benefices, but in the exercise of those extensive powers, the council was strictly responsible to Cromwell⁴⁵.

Representa-
tion.

The people, however, had no interest nor share in the government. In the convention, surnamed Barebone's parliament, which was summoned personally, after the forcible dissolution of the long parliament, to receive the legislative power from Cromwell, five members were appointed as an adequate proportion for Scotland. By the instrument of government in which he was declared pro-

⁴⁵ Skinner's Life of Monk, 72. Thurloe, ii. 111. 711. iv. 539.

tector,

tector, the representation of Scotland was encreased to thirty members, but such was the general aversion to an union, that twenty were only returned to the next parliament. The union was then ratified, and completed by an ordinance to incorporate the two nations into the same commonwealth; to exempt the commodities of each from imposts, when imported into the other; to abolish vassalage, and the whole train of feudal incidents, services, and confiscations exacted in Scotland; and to suppress the hereditary, territorial jurisdictions into which the country was divided. The returns were more complete in the succeeding parliament; but the representatives were either English officers, members of the council, courts, and boards of revenue, or a few temporizing Scotsmen in whom the protector could confide. The influence of Argyle was exerted patriotically, in opposition to the council of state, to procure the return of Scotsmen alone; but his person was so peculiarly obnoxious to government, that his own election, notwithstanding his former interest, was prevented by Monk, till returned as a commoner to Richard's parliament ⁴⁶.

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The nobility had dismissed their warlike retainers; but in a country not entirely disused to arms, among a people not attached to the fixed and sedentary occupations of domestic industry, numerous armies were expeditiously raised. The first armies of the covenant were levied and disciplined by frequent musters in each parish, and col-

Military
 establish-
 ment

⁴⁶ Parl. Hist. xx. 306. xxi. 20. 261. Thurloe, v. 295. 322-66. vii. 583. 690-13-16. Baillie, ii. 395.

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1656. lected by means of the ardent enthusiasm which pervaded the nation. Each soldier was furnished with arms and a month's provisions; and as they were previously disciplined, upwards of twenty thousand, fit for immediate action, were assembled at once. The expence of the campaign was defrayed by voluntary contributions and loans⁴⁷, but in the progress of the civil wars, a more regular plan was adopted for levies and supplies. A committee of war was established in every district, and whether to raise, or reinforce an army, a fixed requisition of horse and foot was exacted by parliament, from each county and town, and a monthly maintenance or assessment was imposed on each, to preserve them embodied against Montrose. A horseman's pay was a shilling and fourteen pence, a foot soldier's, four-pence and five-pence a-day; but the monthly maintenance was advanced so slowly by the different counties, that it was frequently commuted for free quarters. It is difficult to estimate the established force, which if actually levied to resist Montrose, must have amounted to twelve thousand men; requiring nine thousand pounds sterling a month, at a time when an army of twenty thousand was retained at the same pay in the service of England⁴⁸.

Un'er
Cromwell.

Cromwell's military establishment in Scotland, amounted, during Middleton's insurrection, to eighteen thousand men, but was afterwards reduced

⁴⁷ Parl. Hist. i. 157 70-4-8. 203.

⁴⁸ Rescinded Acts, Session i. Act 35. Sef. ii. Act. 2. Sef. iv. Act 6. Sef. v. Act 9. Sef. vi. Act. 6. Parl. 3d. ch. i.

to nine thousand, exclusive of some inconsiderable garrisons. Twenty-eight garrisons were maintained in the castles and forts, which he had seized or constructed to bridle the country; but the principal forces were stationed at Leith, Air, Inverness, and Glasgow, where citadels were erected, and at Inverlochy castle, which was repaired and garrisoned to restrain the highlands. As a trooper's pay was half a crown, and a common soldier's a shilling a day, the expence of the army, in 1654, was upwards of half a million a year; but when the army was reduced, its expence was diminished to two hundred and fifty thousand pounds. The regiments were frequently recalled by Cromwell, who was jealous of Monk's ascendancy over them, and replaced by others of whose dangerous fanaticism he was apprehensive in England. A design was once concerted by Overton, and other republicans, to secure Monk, and march into England to dethrone the protector, but when the conspiracy was detected, it was observable that the officers were no sooner arrested or cashiered, than their influence over the soldiers immediately ceased⁴⁹.

The subsidies occasionally granted to the crown, Revenue.
were levied according to an old valuation, or rental of the kingdom. The largest never exceeded £400,000 Scots, or £33,333 sterling. On the first expedition into England, a land tax of the tenth of rents was imposed, and a new valuation

⁴⁹ Journals of the Commons, Dec. 1652. Parl. Hist. xxi. 333. Thurloe, v. 472. vii, 476. Skinner, 74. Gumble, 91.

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was appointed by parliament, to render the assessment more equal, or adequate to the necessities of the state. But a period of civil wars is seldom favourable to the improvement of the revenue. The assessment, after a long interval, was slowly collected; but the valuation was not accomplished till the execution of Charles I. when a general estimate of each county was probably framed. The valuation was confirmed in the usurper's second parliament at Westminster; and is still retained, as the rule of every assessment on land. The patrimony, or established rents and revenues of the crown, amounted in 1650, to 33,000*l.* sterling, including the customs, but the deductions applicable to the offices of state, and the alienations made to rapacious courtiers, reduced that sum to little more than 17,000 pounds⁵⁰. An excise was first introduced, in imitation of England, during the civil wars; it extended to articles not only of foreign luxury, but of domestic growth and necessary consumption, on which a tax is far more vexatious than profitable. The inland excise, under the administration of parliament, never yielded above 13,200*l.* till the revenue was farmed, a sum absorbed by the expence of collections. When appropriated to government, the episcopal rents were computed only at 11,200*l.* but it is difficult to ascertain either the precise revenue, or the public expenditure before the usurpation⁵¹.

1657.

Anno 1640.

⁵⁰ Thurloe, i. 153. vi. 445—70.⁵¹ Act 36. Parl. 1644. Thurloe, i. 722. iv. 48.

The council of state was industrious to diminish the expence, and increase the defective revenues of Scotland. A land tax of 120,000*l.* sterling was first imposed by monthly assessments of 10,000*l.* But it was represented by the inhabitants, and by Monk himself, as an intolerable burden, more than a fourth of the yearly rent, and a sixth part of the assessment of England; and was collected by the soldiers with extreme difficulty, till reduced successively to 7500*l.* and 6000*l.* a month, and established at 72,000*l.* a year⁵². In 1656, the customs amounted only to 4637*l.* the excise to 34,313*l.* but they increased in three years, from a more diligent collection, to 62,154*l.* sterling⁵³. The public revenue amounted, at Cromwell's death, to the sum of 143,642*l.*; the public expenditure, civil and military, to 286,458*l.* of which an annual balance of 142,806*l.* was remitted from England⁵⁴. Such was the expensive nature of a conquest beneficial to the vanquished alone, from the wealth employed to preserve their subjection; but the pressure of taxes was immediate, and severely felt; the influx of money was gradual and slowly diffused; and if a monthly assessment of 7500*l.* amounted to a fourth part of the yearly rent, we must conclude that a large proportion of the specie in circulation, was annually absorbed and returned by the state.

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During the
usurpation.

⁵² Thurloe, ii 476. iii. 43. iv. 160—6. 330—51. Parl. Hist. xx. 208. xxi. 328.

⁵³ Thurloe, iv. 530. vi. 445.

⁵⁴ Parl. Hist. xxi. 328—30—3—5.

During

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tration of
justice.

During the whole of the last and the preceding century, the administration of justice was a subject of frequent and just complaint. The court of session had been instituted by James V. instead of the daily council, and in imitation, it is said, of the parliament of Paris. However necessary at its first institution, to preserve a majority unintimidated by the potent barons, the number of the judges, in the progress of society, constituted a radical defect in the court. A few supreme judges are placed, like insulated individuals, each in a conspicuous station, exposed to the eyes and severe animadversion of mankind; and their characters are consecrated to the exact discharge of a sacred function. The weak and ignorant are deterred by a sense of incapacity, from a laborious office which they are unable to execute; and such is the influence of popular opinion, when concentrated on an individual, that the most profligate, in the decision of private causes have been found upright. From the number of its judges, the court of session must have been too apt to forget the dignity requisite in judicial proceedings, and to degenerate into the protracted debates and capricious decrees of a popular assembly. The majority were promoted from the influence of some powerful family or faction, to which they were attached; and of fifteen *ordinary* judges, abilities, eloquence, and professional knowledge were the lot only of a few, whose superior address might acquire an undue influence over the rest. Their numbers

bers contributed to multiply, and extend their family or political connections, to shelter and protect the individual from censure ; and their mode of promotion, from interest rather than distinguished merit, rendered them peculiarly dependent on the crown. In a country where no precedents nor laws were established, except a few temporary or concise statutes, the intricacy and frequency of feudal questions, between the nobility and the crown, or their subordinate vassals, to subject them to the various incidents, escheats, and oppressive exactions of the feudal system, must have furnished ample temptation and room for injustice. The popular favour acquired on the first institution of the court, and preserved by moderate and just decisions, was lost when the *nobile officium* was arrogated ; a power originally without a name, assumed as inherent in every supreme court, to interpose wherever the laws were defective or silent ; to alleviate their rigour, or correct their imperfections. A court that vibrated occasionally between law and equity, seems to have excited the popular complaint of Buchanan, that the property of the Scots was subjected to the absolute will and disposal of fifteen men, whose arbitrary decrees were the only laws⁵⁵. The admission of judges to the offices of state, (those of king's advocate, clerk register, and secretary of state were not unfrequently conjoined with the judicial character,) opened a dangerous path to their am-

⁵⁵ See NOTE XIX.

bition,

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bition, which it was difficult or impossible to tread with integrity. Whatsoever independence might remain on the bench, was suppressed by the occasional attendance of the *extraordinary* lords; created from among the council, without a salary, to support the secret or corrupt influence of the crown. When the supreme judges were converted thus into statesmen, we are no longer surprised to find them engaged in the most flagitious transactions of the preceding age³⁶. The plea of a minister; or of a court favourite, was seldom unsuccessful; nor was his influence exerted for himself alone, but for his numerous connections, dependents, and friends. From an obsequious and criminal compliance with the solicitation of the court, the interval is not great, nor was the transition difficult to private corruption. The court of session was at times so corrupt, that in the public opinion, the rich had never occasion to lose their cause; at times so venal, that money was notoriously dispensed to purchase the votes on the bench. Personal solicitation was not disused till a later period, and it is observed that nothing contributed more to the early authority which the clergy acquired, than their popular invectives against the partial or venal decrees of the bench.

³⁶ Maitland of Lethington and Sir James Balfour, the devisers of Darnley's murder, were both on the bench. Sir James Macgill and Archibald Douglas of Sprot, though openly engaged in Rizio's, and the latter secretly in Darnley's murder, were afterwards judges.

When

When the first parliament of Cromwell abolished hereditary, territorial jurisdictions, constables and justices of peace were substituted; offices which James VI. had established but suffered to expire. The commissary and sheriff courts were held by English officers, who administered a summary, yet not unsubstantial justice, according to the plain dictates of an unlettered understanding. But the supreme court was regulated upon two principles: 1st, that Scottish judges should be admitted to explain and facilitate business, but deprived of a majority, as corrupt or partial to their allies and friends; 2d. that the laws and judicial proceedings might be gradually assimilated, by a majority of English judges, to the practice of England. Four English, and three Scottish judges were accordingly appointed, and regular circuits established through the country. The administration of justice was slow but impartial, and the present use of voluminous memorials, instead of pleadings, originated from their ignorance of the Scottish law, and the refusal of the principal advocates to attend their bar. Their decisions are marked by sound sense, rather than the subtleties of legal discrimination, and were long remembered as the purest, and most vigorous dispensation of justice which the nation had enjoyed⁵⁷.

While the country beyond the Forth was possessed by Charles, a general assembly had been held

⁵⁷ Whitlock, 570. Thurloe's State Papers, iv. 57. 250—68. 524. Baillie, ii. 377—95. Forbes's Journal of the Session, Preface, xvi.

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at St. Andrews, to confirm the public resolutions, and inflict a salutary punishment on the remonstrants. But the latter renewed their protestation, against the authority of their national idol, the assembly itself; the election of which was *prelimined* they said, by recommendatory letters from the commission of the church. The dispute was exasperated by the deprivation of some remonstrant ministers; and a subsequent assembly rendered the divisions of the church incurable. When debarred from civil persecution by Cromwell, each party appealed to the people in a voluminous controversy; the resolutioners as a majority of the church, whose parity it was impossible to preserve, if a minority presumed to resist its decrees; the remonstrants, as the pure and orthodox part of the ministry, not obliged, in doctrinal articles, to submit to the errors of an infallible church. Their violence required the interposition of the military, and their next assembly was forcibly dissolved. From the artful policy which Vane recommended, synods and presbyteries were permitted to subsist, and in these subordinate judicatures, the dissensions of the clergy were suffered to encrease, that each party might be rendered dependent on the civil magistrate to whom both appealed. By a late statute to abolish patronage, the choice of parochial ministers had been transferred to the congregation, and wherever a vacancy occurred, each party endeavoured to introduce an adherent of its own. The remonstrants were inferior in numbers, which was compensated by more outrageous de-

votion

votion and violence. A more fanatical worship began to prevail; long and frequent extemporary sermons, of which the constant topic was the recent corruption of a regenerated church; more vehement and incessant prayers, and a prophetic intonation which it is impossible to describe⁵⁸. The settlement of a new minister was dishonoured by indecent tumults; the rites were not unfrequently defiled with bloodshed; and the people were dispersed and disfigured by blows and wounds. Each party proceeded to inflict deprivation on the other; and as the possession both of the church and benefice depended on the council, they applied alternately to Cromwell for protection and aid. The balance was adjusted and preserved with a skilful hand. When the protector condescended to court the presbyterians, lord Broghill humanely endeavoured to appease their dissensions, in order to conciliate their joint support to the established government. Their conferences proved ineffectual; but his authority enforced a mutual toleration, more odious perhaps to an established church than persecution itself. The tender of the covenant, and of other religious oaths, was prohibited; and excommunication divested of its terrors, was deprived of every temporal or legal effect. The clergy were required to desist from their prayers for the exiled king. The remonstrants complied, as less disaffected to the protector's government; but the resolutioners refused, till their stipends

⁵⁸ Burnet, i. 85—7. Whitlock, 341. 528. Baillie, ii. 370—3. Baillie describes this peculiar cant as a pythonising out of the belly of another person.

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were about to be sequestrated, when they adopted a saving maxim, that a prince unable to afford protection, might dispense with their prayers. From an unlimited toleration, the encrease of sectaries was apprehended and deprecated as a national evil : but such was the artful texture of presbyterian discipline, or such the censorian rigour of its parochial sessions, that of the numerous sects which prevailed in England, although a constant influx was occasioned by the army, the quakers alone, whose peaceful doctrines the recent horrors of war recommended, obtained a permanent establishment in Scotland³⁹.

Arts.

II. In barren countries, whose inhabitants are poor and addicted to arms, the arts that minister to utility or luxury are neither numerous, nor is their history important : but in Scotland the accession was an event peculiarly unpropitious to every art. The spirit of improvement that pervaded the rest of Europe, was discouraged and depressed when the presence of the prince, and the splendor and elegance of the court were withdrawn, and the residence or conflux of the prime nobility was transferred to England. An universal dejection succeeded the transient joy which the restoration excited. Whatsoever industry the nation possessed, was extinguished or exerted in a foreign clime ; and Jameſon, the pupil of Rubens, is the only distinguished painter whom Scotland has produced. Nor was its progressive situation alone suspended. In every species of improvement

³⁹ Burnet, i. 86. Thurloe, iv. 129. 557, 8.

its distance from England was increased by the ac-
 cession; and to estimate its progress in the arts or
 refinements of social life, we must uniformly con-
 sider Scotland as a century behind.

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An opinion is entertained by some, that at a
 former period Scotland was highly cultivated:
 but it is impossible to assign an adequate cause for
 the decline of agriculture, or to discover at what
 period of its history a better mode of cultivation
 prevailed. At an earlier period than the present,
 the produce of the country was confined almost
 entirely to bear, an inferior species of barley, and
 oats. Instead of military tenures, infeudations for
 rent were recommended by the legislature, and
 adopted, to encourage a better cultivation: but
 the state of agriculture must have been poor in-
 deed, that required a new tenure, and a perpetuity
 instead of a temporary lease⁶⁰. The peasants never
 were restricted or fixed to the soil; but agriculture,
 in the present period, continued to languish with-
 out encouragement or the means of improvement.
 The farmer, whose possession was either precarious,
 or his lease of a short or improper duration, nei-
 ther inclosed, nor planted, nor strove to ameliorate
 the sterility of the soil. A portion of his farm,
 the most fertile, or contiguous to his dwelling, was
 manured and ploughed by some starving cattle; nor
 suffered to rest or recruit from a constant succession

Agriculture.

⁶⁰ Henry's Hist. vi. 584. From the rental of the great church benefices at the general assumption, it appears that the rent reserved in wheat bore no proportion to that of other grain. Keith's Hist. App. 182.

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of annual crops. The rest was abandoned to pasture and waste; or ploughed up in separate portions, at distant intervals, till each part was successively exhausted. The culture of wheat was mostly confined to the counties south of the Tay, where four bolls, or sixteen bushels, were the utmost produce of a Scottish acre; but the use of artificial grasses was unknown; and a judicious rotation of crops and fallows was never practised, to invigorate or preserve the nutrition of the soil. The rents were payable in kind, unless on some occasions converted into money: but the tenant was not unfrequently supplied with corn, cattle, and the implements of husbandry; and in return for the seed and stock, half the produce of the harvest was appropriated to the landlord⁶¹.

Manufac-
tures.

It is difficult to discover, and would be curious rather than important, to enumerate the remaining arts in their infant state. Were we to believe a doubtful tradition, the Scots were unacquainted with the method of planting cabbages, and tanning leather, till civilized and instructed by Cromwell's soldiers in the simplest arts. That they were indebted to the English for skill and dexterity, is extremely probable; but that they could subsist without cabbage, might surprise the most credulous; and the manufacture of leather was practised by each peasant as a domestic art⁶². Homespun

⁶¹ Donaldson's Husbandry Anatomized, 697. Miscellanea Antica, 191. See Note XX.

⁶² Johnson's Journey to the Western Islands, Works, x. 344. State Business, MS.

woollen

woollen subsisted as a coarse and household manufacture, in which each family was occasionally employed. Linen of a coarse texture had become an article of such considerable exportation, as to constitute a staple commodity of the country. Soap and salt works had been long erected⁶³; the former, a declining manufacture, served perhaps for domestic consumption; the latter, besides a large exportation, supplied an extensive fishery, which was prosecuted successfully, by the towns interspersed along the coast of Fife, till the fishermen were mostly destroyed at the battle of Kilsyth. An extensive fair was held at St. Andrews, to which the Scottish traders who frequented Poland, returned yearly from Dantzick, where thirty thousand were supposed to reside. But the principal trade was maintained with Campvere, where the Scots, in return for peculiar immunities, had long established their staple in the Netherlands. Their exports still consisted of corn, wool, coal, lead, salt, fish, coarse woollen, yarn and linen, the raw produce, or the rude manufactures of their native country; their imports were the finer manufactures, hardware and wines of the continent; and such was the consumption of the last article, that three thousand tons of French wines were seized by Cromwell, on taking possession of Leith. At the beginning of the civil wars, about eighty sail of shipping belonged to the Forth, and when Dundee was stormed by Monk, three-score vessels were Shipping.

⁶³ Parl. 1649. Act 49.

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found in the harbour. Since the accession, the trade of Scotland had undoubtedly encreased; but it suffered under the usurpation, notwithstanding the influx of money, from the oppressive taxes imposed on the people⁶⁴.

Literature.

Literature, soon after its revival in Italy, had diffused an early ray on the nation; and while the Scots were yet ignorant of the arts of life, was cultivated with the same ardor with which the reformation was embraced. While the learned throughout Europe, enraptured with classical models of perfections, abandoned their native tongues in despair, it is justly observed that the Scottish writers were excelled by none. The elegance of Boethius, the friend of Erasmus, and one of the earliest restorers of letters, was imitated in the succeeding age by Lesly, bishop of Ross, and far surpassed by his rival Buchanan, whose vivid and flexible genius, adapted equally to poetry and prose, arose superior to the servile constraint of a dead language, and united an invention truly poetical, with the purest latinity of the Augustan age. The education or residence of the reformed clergy, in the protestant churches of France and Switzerland, exacted an attention to the classical languages, to the disregard of their own; and the *Deliciæ Poetarum Scotorum*, to which the elder Melville contributed, furnish an honourable monument of national litera-

⁶⁴ Whitlock, 438—84. Hardwick's State Papers, ii. 144. Gumble, 44. Baillie, ii. 419. *Miscellania Aulica*, 191. where the exports are computed at 200,000*l.* in a State of Scotland obviously written about the era of the accession.

ture. The language of the ancients continued to be used, and assiduously cultivated, till the middle of the last century; but the learned, like the military adventurers of Scotland, frequently sought abroad for those literary rewards, which the poverty or religion of their country intercepted at home. The two Barclays, Dempster, and Volufenus, or Wilson, taught or studied in the universities of France and Italy; and Arthur Johnston, whose Latin poetry has obtained the second rank to Buchanan's, subsisted, till recalled by Charles I., as a physician at Paris.

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The Scottish language, descended from the same gothic original, had begun, before the accession, to approximate in writing towards the English standard. The compositions of James were rude and pedantic; but Spottiswood was industrious, in his ecclesiastical history, to refine the vernacular idioms of his stile. It is not easy, perhaps, to determine, whether a dead language, in which men were initiated, and of which the purest models were preserved and studied, from their earliest years, or a foreign dialect which the tongue was unable to pronounce, and to the purity and precision of which the mind was unaccustomed, imposed the most difficult alternative, or the severest constraint on original genius. Yet at a time when the rugged numbers of Donne and Johnson prevailed in poetry, Drummond of Hawthornden gave the first specimen of a rich and melodious versification, and discovered a vein of tender, unaffected sentiment which succeeding poets have not disdained to imitate.

Drummond.

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tate. His taste was formed in the Italian school; and he preceded Denham and Waller in the refinement of our numbers; though, like theirs, his poetry is neither always equal, nor always correct. He was unfortunate only in his choice of a stanza in the Italian sonnet, whose prolix and laboured uniformity seems but ill-adapted to English verse. The mechanical perfection of numbers resides, perhaps, in a due medium between the difficulty of the composition, and the unlaboured ease which the verse exhibits. The numerous inflexions of which each word was susceptible in the ancient languages, were productive of uniform terminations corresponding in sound, to which there were no limits but the extent of a copious tongue. From the unpremeditated ease with which rhymes occurred, which abounding almost beyond computation, it was more difficult to suppress than discover, the utmost artifice of inversion was requisite, to prevent a constant recurrence of the same sounds⁶⁵. Inflexions are less frequent in modern languages, as they are supplied by particles and auxiliary verbs; but in the Italian language they are still so numerous, and in the rhapsodies of the improvisatori, such is still the facility of its feeble rhymes, that an artful and intricate stanza is required to augment the difficulty, and the pleasure that results from the difficulty of verse. But the English is a language susceptible, perhaps, of the least inflexion. Each word is marked, in general, with a single termination, corresponding in sound with a few

⁶⁵ See NOTE XXI.

others, but in itself productive of no variety nor choice of rhymes. Blank verse displeases as easy and prosaic, unless in a few instances, where it is stamped with the diction, imagery, or appropriate excellence of a distinguished poet. Rhyme is neither too easy to occur fortuitously, nor too uniform, as in the ancient languages, to require a tedious recurrence of the same construction. But the same rhymes, when prolonged through the intricate texture of a sonnet, impose a stiff, unsuccessful constraint upon English poetry; as a language whose corresponding terminations are few and various, is incapable of uniting uniformity with graceful ease.

Sir William Alexander, secretary of state, enjoyed a higher reputation than Drummond in his time. His monarchical tragedies are full of ostentatious morality, diffused through smooth, rhetorical stanzas, without a single spark of celestial fire. His poetry was amply rewarded. He was created earl of Stirling, with a grant of the province of Nova Scotia, to be parcelled out among an hundred adventurers, with the title of baronets; but the sale of titles was a lucrative traffic, and the settlement of a distant colony was forgotten.

Alexander.

The learned Craig is distinguished by the first treatise on the feudal law. The records of his own country were not then explored; but his education at Paris enabled him to compare the different codes of the gothic kingdoms of Europe, and to compile a system of feudal law which succeeding authors have often silently transcribed. Others have excelled in declamation on the subject; but none have united such

Craig.

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Napier of
Merchiston.

such practical utility with a profound and comprehensive view of the feudal system. He died a few years after the accession.

But the man whose genius reflects the most distinguished lustre on his age and nation, is Napier of Merchiston, the inventor of Logarithms. His scientific genius was first applied to the mysteries of the apocalypse, to gratify the protestants by a plain discovery of the pope in Antichrist; but his calculations of the prophecies have been disproved by time, and his name has already outlived the period which his pen assigned for the duration of the world. His fame is more durably fixed by the logarithmic canon, the correspondence between arithmetical and geometrical progressions, a sublime invention of universal utility, the result of patient and intense meditation. He died in 1617, at the age of sixty-nine.

Polemicks.

From the beginning of the civil wars, a flood of barbarous polemicks overspread the nation. The articles of Perth, the canons, liturgy, and the doctrines of Arminius, were succeeded by the covenants, and the divine rights of the presbyterian church; and when these topics of debate were exhausted, the pious indignation of the clergy was levelled at the sectaries, or against themselves. The universities were appropriated to the most fanatical instructors; and the language and philosophy of the schools were imperfectly taught, as subservient to a species of controversial divinity, that teemed with disputatious invectives against the errors of the times. The poverty of the Scottish church is peculiarly

peculiarly unfavourable to the pursuit of letters: the universities make no provision for the independence and ease of a studious life. The wealthy benefices of the English church may afford a final retreat, its well-endowed universities, an intermediate sanctuary, for literary repose; and if science is permitted to slumber, a taste for classical and polite learning is at least cultivated and preserved. But the Scottish clergy, who are removed early in life from the university to a remote solitude, have no access to the works of the learned, nor the means, if they retain the desire, to improve and augment the acquisitions which they have already made. None are illiterate; but the church has not yet been distinguished by a man of extensive or profound erudition. Their education imparts a knowledge of science; their trials at their ordination, require an equal proportion of Greek and Hebrew; and the same parity is observable in the learning and discipline of the church⁶⁶. But the taste and science, the genius and learning of the age were absorbed and buried in the gulph of religious controversy. At a time when the learning of Selden, and the genius of Milton conspired to adorn England, the Scots were reduced to such writers as Baillie, Rutherford, Guthrie, and the two Gillespies; and in the voluminous compilations of Calderwood, the church gave no promise of the future elegance, the discriminating penetration, and accurate research, which distinguish the historical labours of Robertson.

⁶⁶ Burnet, i. 45.

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Manners.

III. The morose and sullen enthusiasm of the people, of which it is difficult at present to form an adequate conception, discriminates the character and manners of the times. Ever since the reformation, it was the misfortune of the clergy to continue obnoxious and hostile to the court; and their policy, therefore, to cultivate those arts of popularity, and to cherish that original fervour of devotion, from which an established church, not discountenanced by the civil magistrate, never fails to recede. The opposite policy of James, to depress the church and enliven its devotions, served only to perpetuate an austere and fanatical spirit, which might have subsided in time from indulgence and neglect. As he professed to counteract the fanaticism of the people, by amusing spectacles, good cheer at Christmas, and popular games in May⁶⁷, these were industriously prohibited under the covenant. Theatrical representations were not then introduced; but the most innocent amusements, and the most profligate dissipation were alike proscribed. Cards and dancing were interdicted as the snares of Satan, dangerous, or at least unsuitable to the people of God. The feasts and domestic pastimes appropriated to the winter solstice, the revels and public recreations of the people, even the Christmas recess of the courts of law, were suppressed as superstitious: the sports of the field were forbidden to the clergy; nor durst the most popular indulge in the most innocent re-

⁶⁷ King James's Works, 164.

laxations,

laxations, without a dispensation from the presbytery, for the preservation of their health⁶⁸. The people, astonished at their own success in extemporary prayer, were ambitious to acquire the habitual solemnity of the clergy; the clergy, to exceed the gloomy deportment of the people; and from their mutual emulation the mirth and gaiety of the nation disappeared. A pious grimace and cant, the result of an affected devotion, succeeded; and as the royalists were restrained by the ecclesiastical courts from the riotous excesses of their party in England, an universal severity of manners prevailed.

The sour and illiberal severity of national manners, however curious or contemptible to a philosophical mind, was neither utterly pernicious, as some imagine, nor, on the contrary, highly beneficial to public morals. Previous to the accession, the towns were infested with constant tumults, sanguinary conflicts, frequent assassinations; and such were the barbarous manners of the ancient Scots, that concealed armour was worn at court⁶⁹. Doubtless their subsequent intercourse with the English, and the travels of their nobility and adventurers through Europe, contributed not a little to the refinement of manners: but when the covenant was established, their deadly feuds disappeared from a sense of religion, or rather from the terrors which an extensive association inspired. Intemperance, an early reproach, was restrained;

⁶⁸ Calderwood's Hist. MS. v. 1022. Life of Sir J. Sinclair, MS.

⁶⁹ King James's Works, 183.

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profane swearing, which diminishes our sense of judicial oaths, was universally discontinued; and from the severity of national manners, even the characteristical ardor of the Scots was repressed. The perusal of the scriptures, and the habits of religious controversy, and extemporary prayer, in which the people of each sex, and of every condition, were eminently gifted, diffused a portion of general knowledge which is still preserved⁷⁰; and it is observable, that the peasantry are less illiterate, more acute, inquisitive, and better informed than in other nations. The vices peculiarly obnoxious to clerical censure, are those from which the clergy are debarred themselves. As chastity has been substituted, instead of celibacy, as a chief ingredient in the ecclesiastical character, fornication has ever been exposed, in the reformed churches, to the most severe persecution. It was not punishable with death as in England; but the penalties inflicted by the legislature, the censures, and above all the penance imposed by the ecclesiastical courts, must have taught circumspection at least to licentious youth. The offenders appeared on the pillar, or stool of repentance, an elevated seat in the midst of the church, to profess their contrition to the congregation, and endure the acrimonious rebukes of the pastor. The adulterer's penance was prolonged for six months, and performed in sackcloth; but the terrors even of the slighter penance, have frequently impelled the unhappy mother to stifle the illegitimate fruit of her womb. To discover the

⁷⁰ Burnet, i. 88.

influence of religion, even when most forcible, on the minds of men, it is sufficient to ask, whether we would trust for security and personal protection to an age where public order was supported, without the intervention of the magistrate, by the belief of future retribution alone, or prefer a period wherein order was preserved by the sole authority of the civil magistrate; and the answer will demonstrate how strong and coercive is the authority of the laws; how weak or transient are the impressions of religion; and comparatively how imperfect the additional aid which it contributes to government.

If, in these instances beneficial to morals, fanaticism was productive of pride, hypocrisy, superstitious credulity, religious persecution, and other vices peculiar to the age. The regenerated, in proportion as they approach perfection, indulge in the utmost latitude of spiritual pride. Their ecstasies arose at times to inspiration and visions, in which they affected to hold the most familiar converse, and to expostulate in the most homely terms with the Deity; and received as a divine response, or unerring precept, whatsoever text or example occurred in prayer¹¹. Religious hypocrisy is unknown to the honest enthusiasm of the Musselman, but as fear invariably, in domestic education, is the source of falsehood, so their hypocrisy was contracted under early persecution, from the necessity of dissimulation, and improved from the habitual cant to which the mind resorts, in those

Vices of the
age.

¹¹ Livingston's Life, MS. Lord Hailes' Remarks on Scottish Hist. 254.

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intervals of lassitude when its devotion subsides. Pride and hypocrisy were cherished by an assurance, that the chosen are predestinated never to fall; but superstitious credulity is gratified by persecution; and its objects were discovered in the innocence and indigence of helpless age. The belief of witchcraft was universal in the last century, but the punishment was more peculiarly confined to Scotland. The old and infirm, whose sole crime was their misery, were seized on the most malevolent and absurd suspicions, and if the importunities of the clergy failed, tortures, under which they frequently expired, were never wanting to extort the confession of an ideal crime. Whatsoever persons they accused in the frenzy of despair, were implicated in the crime, searched by approved inquisitors, to discover the secret tokens of sorcery, and condemned with their wretched accusers to the flames. On one occasion, thirty unhappy wretches were convicted of witchcraft, and burnt in Fife; on another, sixty of each sex were accused of the same crime, but acquitted by the good sense of the English judges, who perceived that the accusations were malicious, and the evidence absurd⁷². But in each parish and congregation, the most unrelenting and cruel inquisition was maintained by the clergy against an imaginary crime, and there are few villages in Scotland, where the flames of persecution have not been kindled against indigent old age.

Character
abroad.

In the last century, the military and adventurous spirit of the Scots was esteemed, and their lettered

⁷² Whitlock, 520—2. Baillie.

education

education respected abroad. Their national character then was remote from servility, and so strongly distinguished by their favourite doctrine of resistance to kings, as to excite the surprise of Bayle that a Scotsman was once beaten for the opposite doctrine of passive obedience⁷³. At home, their situation under the covenant was evidently not unhappy, as the severity of a feudal aristocracy was tempered by the necessity of conciliating their support, in opposition to the crown. The nobles, although they retained their jurisdiction, durst not irritate their vassals by unjust exactions; and their power was controlled by the ecclesiastical tribunals where the people were admitted, and might retaliate their wrongs on their oppressive lords. Their situation with respect to the comforts of life was improved by the usurpation; but the nobility were buried under the ruins of the throne. The decline and ruin of ancient families, was pathetically deplored; and our curiosity is still attracted to the fate of the principal characters in the preceding scenes. The dukes of Hamilton had perished successively, on the scaffold, and in the field; their estates were appropriated to their creditors, or conferred on English officers; and a daughter was the last memorial of their family and name. The marquis of Argyle had retired to the highlands, oppressed with debts and the public hatred; distrusted by the English, and detested by the Scots for his compliance with the times. Montrose and

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Decline of
the nobility.

⁷³ Bayle's Dict. voce Cameron.

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the marquis of Huntley had suffered execution; and their families were reduced to indigence, or threatened with extinction. Loudon, the chancellor, lived like an outlaw, concealed in the highlands, and the earls of Marishal, Eglinton, Rothes, Crawford, and Lauderdale, were imprisoned in the Tower. Wariston alone, of the chief covenanters, obtained favour with Cromwell, and arose to a seat in his house of peers, and a place in the council of state in England. A contemporary, struck with those sudden vicissitudes, composed a whimsical treatise on the instability, or the Staggering State of Scottish Statesmen for an hundred years; from the secret satirical history of their lives, to prove how rarely their preferment was acquired with honour, enjoyed with reputation, or lost without ruin⁷⁴.

Such was the situation of Scotland during the usurpation of Cromwell, with whose government the people had no connection, but that which subsists between the vanquished and their conquerors, and from whose arms they derived no lustre, but that which a master reflects on his slave. The operation of his government was to repress their turbulence, and habituate their minds to subordination and order; but it served to extinguish the spirit of freedom, and prepare the nation for the despotism of the Stewarts which it was destined to endure. His government never was popular; the republicans never were numerous in Scot-

⁷⁴ Baillie, ii. 376. 424—34. Scot of Scotstarvet's Staggering State of Scottish Statesmen, from 1550 to 1650.

land;

land; but the interest of Charles seemed to be buried in profound oblivion. His family would have been excluded for ever from the throne, if a popular government had been established in England, or if, from circumstances unconnected with our history, the government had not depended on a single man, whose life already approached its conclusion.

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While the arms of Cromwell were triumphant abroad, while his name was dreaded, and his friendship solicited by the greatest potentates, his government was distracted by the conspiracies of every party at home. His person was exposed to assassination from his own soldiers. His conscience was awakened by the death, or the dying reproaches of his favourite daughter; and the tyrant at length discovered, that guilty ambition, even when most successful, is never inaccessible to remorse and fear. His mind was oppressed with the dangers and cares of state. The appearance of a stranger filled him with alarm, and he scrutinized his looks with an inquisitive and apprehensive eye. Arms and concealed armour, which he daily wore, were insufficient for his preservation, and he never stirred abroad unless surrounded with guards, never returned by the same road, nor slept above thrice in the same apartment. A slow fever, the result of constant agitation, preyed upon his body, and degenerating into a tertian ague, undermined a constitution which was naturally robust. The physicians pronounced his disorder dangerous, and he began to consider his death as imminent; but his

Cromwell's
death.

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fanatical chaplains assured him that his life might yet be restored by their prayers. His original enthusiasm prevailed over his hypocrisy, which, in the tumults of the camp, and amidst the business of the cabinet, had been substituted in its stead; and he assured his physicians that his life was conceded to the faithful, to intercede for the people as a mediator with God. In his last lethargic moments, his assent was extorted to the succession of his eldest son Richard to the office of protector; and he expired at the age of sixty, on the third of September, a day which he considered as propitious from his victories at Worcester and Dunbar.

And character.

He was born of respectable parents, remotely allied, on his mother's side, to the Stewart family, and on his father's sprung from a sister of Cromwell, the minister and victim of Henry VIII.⁷⁵ From a dissolute and licentious youth, he passed at once to the opposite extreme of enthusiastic devotion; and when the wars commenced, ascended rapidly to the natural level of his genius and ambition. From a command of horse, he rose to the first rank in the army and in the state; from the obscure and humble mediocrity of a private station, to the absolute dominion and ultimate disposal of three kingdoms. To supplant a monarch, or to subvert the liberties of a free people, had been the

⁷⁵ Sir Richard Williams, lord Cromwell's nephew, and Oliver's great grandfather, was the first of the family that assumed the surname of Cromwell. Oliver and his mother, wife, and uncle, subscribed Williams alias Cromwell, in the sale of his paternal estate. Noble's Hist. of the Cromwells.

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lot of others, but by combining these crimes, he was the first who brought the monarch whom he had dethroned, to a public execution, and reduced the people whom he served to the most complete subjection. A magnanimous and daring spirit, an invincible courage, military talents, address, perseverance, and uniform success, were necessary to accomplish his greatness and his crimes. But to these qualities he added the most extravagant enthusiasm; the most consummate hypocrisy; a profound sagacity in discerning the characters and designs of others; an impenetrable secrecy in disguising his own. From the dissipation of his early years, he retained a specious frankness, which degenerated often into gross buffoonery, but without which hypocrisy itself is of little avail. His magnanimity was naturally imperious and overbearing; nor did he stoop to dissimulation and artifice where it was possible to command. His military talents are rather conspicuous in the enthusiasm with which he inspired, and in the discipline to which he inured his troops, than in the evolutions of the field or the conduct of a campaign. His victories were due to their discipline and irresistible valour, and as he entered into the army late in life, his military character, though surpassed by none of his countrymen, never equalled the reputation of Condé and Turenne. If inferior to Vane in address and dexterity, his vigorous understanding was excelled by none. Neither wholly illiterate nor destitute of elocution, he united an apparent incoherence of thought and expression, with a clear and steady

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conception of his object ; and a prompt decision in the choice and execution of his designs. His quick and intuitive perception of the characters of men, was accompanied with the rare talent of employing their abilities in the manner most advantageous to himself or the state. But the discriminative characters of his genius were enthusiasm, hypocrisy, and immoderate ambition ; from the combination of which he was fitted to become the author of a new sect, had he not found a system adapted to his purposes and fashioned to his hands.

His ambition, however, was guided by events, and like his talents, appeared to expand with every opportunity that occurred. At one period it was confined to a ribband, a title, a competent fortune, and the command of the army ; till the duplicity of Charles left him, he said, only this alternative ; “ If it is my head or the king’s that must fall, can I hesitate which to choose ? ” If Ireton, a genuine republican, had survived, or the parliament had consented to a timely dissolution, his usurpation might have been prevented ; but the dissolution of the long parliament had become not less necessary for his preservation than the destruction of the king. His domestic government was a reign of expedients, vigorous indeed, but without a plan. It was believed that his resources and arts were exhausted with his life ; but to surmount the original obstacles to his greatness, was more difficult far than to prolong its duration. His morals were irreproachable in private life. His government was just and lenient where his safety or interest had

no

no immediate concern, and although humanity never obstructed the execution of his designs, even his enemies acknowledged that he was not unworthy of the crown he rejected, had he been born to reign. He died with the character of the worst and greatest man in modern times, which with some abatements is still preserved; and as he enjoyed more than regal power while alive, he was interred with more than regal pomp and expence.

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x658.

His death was succeeded by an unexpected calm, and the government, which each party had alternately conspired to subvert, seemed for some months to be upheld by the terrors of his name. The most opposite parties and discordant sects were actuated by a common hatred to his person and government, but at his death they were neither prepared to act nor disposed to unite. The new protector was acknowledged by the city, the army, the navy; Ireland was secured by his brother Henry, Scotland by Monk's attachment to his family; and the free sentiments of the people of England were attested by their numerous addresses, and the disinterested tender of their fortunes and lives. A young man educated in retirement, without abilities, experience, or an inclination to govern, succeeded by a verbal nomination to three kingdoms as his paternal inheritance, and enjoyed his father's elevation without the hatred attached to his crimes. While he continued to govern without a parliament, his authority was preserved; but the moment he resorted to that dangerous expedient, his power was undermined by secret enemies,

Richard,
protector.

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mies, and his authority assaulted by open force.

The necessities of the state, and the debts or engagements of the late protector, required immediate supplies; and the parliament was carefully modelled after its ancient form, to secure the support of the diminutive boroughs, which Cromwell had retrenched. Thirty members, and among these Argyle, were returned from Scotland; thirty from Ireland; and the *other house*, as it was contumeliously styled, was composed of Cromwell's peers. Notwithstanding these precautions, the spirit of the commonwealth began to revive. The mode of Richard's accession was severely investigated. An acknowledgment of his title, and of the other house, was extorted from the commons; but the opposition, out-numbered in these questions, proceeded to examine, and impeach his ministers for every illegal measure of Cromwell's government. Nor were these dissensions confined to parliament. They extended to his council, connections, and friends. Fleetwood, his brother-in-law, and Desborough his uncle, had formed a secret cabal in the army, and maintained an intimate correspondence with the discontented republicans. To counteract, as they pretended, the violence of parliament, they persuaded Richard to assemble a council of officers, which his authority was never afterwards able to dissolve. A remonstrance was prepared to separate the military, from the civil powers with which the protector was invested, and to confer the former on a person in whom the army might confide. The parliament and the protector

Degraded
by the
army.

rector were alarmed at the danger of military usurpation; but his humanity interposed to prevent the assassination of Lambert, and even his guards refused to assist in arresting Fleetwood. The army mustered at St. James's; and when the rude and boisterous Desborough compelled his nephew to dissolve the parliament, the protector was justly considered as dethroned. Without a struggle or stipulation for his personal safety, the meek usurper consented to descend from the guilty greatness which his father had attained; and in the tranquil enjoyment of a private station, exhibited a rare example of the security which innocence may sometimes afford ⁷⁶.

The principal officers were desirous to retain the three kingdoms under military government; the republicans to revive the remains of the long parliament, which had been forcibly dispersed, but never legally dissolved. About seventy members were assembled who had voted for the trial, or approved the execution of the late king. A council of state was chosen, in which Wariston presided; Fleetwood was appointed to the command of the army during the pleasure of the house; but the officers were disgusted at a new model, by which the rump, as it was ludicrously termed, of the long parliament, endeavoured to recover possession of the sword. Its authority might have been preserved if the secluded members had been

Rump parliament.

⁷⁶ Clarendon's Hist. vi. 659. State Papers, iii. 428, 9—34—6—71. Ludlow, ii. 165.

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restored to their seats, and admitted equally to a share of power. The presbyterians, rather than submit to the dominion of the independents, had acquiesced with less reluctance in the usurpation of Cromwell; but when their enemies were restored to the power from which they were still excluded, the two parties into which the nation was divided, were united by a common object and mutual despair. When the reign of the military saints was renewed, a tacit compromise was established between the presbyterians and royalists, whose animosities were buried in a secret combination to restore their ancient constitution and king. The day was appointed for a general insurrection. The king had arrived at St. Maloes to attend its success, but the conspirators were betrayed by Sir Richard Willis; deterred by an opportune detection of his treachery; or prevented by the vigilant precautions of parliament. Sir George Booth, a presbyterian, who declared at Chester for a free parliament, was surprised by Lambert, and his forces dispersed. The victory was immediately ruinous to parliament; ultimately conducive to the king's restoration. Lambert, instructed by Cromwell's example, and influence with Fairfax, nor less ambitious, had aspired to govern by Fleetwood's means. The inferior officers, on whom the parliament relied, were won by his intrigues and presents to concur in a petition, that Fleetwood should be confirmed in the supreme command; and to remove all civil control, that without a court-martial no officer should be suspended or dismissed.

Expelled by
the army.

dismissed. The commons aware of their own danger, revoked the commissions of the general officers, and, to prevent the subsistence of the army, declared it high treason to levy money without the consent of parliament; but Lambert, disregarding these feeble, yet fatal resolutions, assembled his troops in Westminster; intercepted the speaker, and dispersed the members in their passage to the house. A committee of safety was substituted for the council of state; and thus, within the short space of a year, the revolutions of ten preceding years were renewed; the parliament was dissolved and the protector dethroned; the remains of the long parliament were again expelled, and the nation subjected to military power⁷⁷.

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Causes of
the restoration.

From the preceding summary of English transactions, we discover the primary causes of the restoration; that the presbyterians and royalists were secretly united, and the people, wearied with perpetual revolutions, were predisposed to acquiesce in whatsoever form might promise permanent stability to government. Charles, in the expectation of foreign aid, had repaired to the treaty of the Pyrenees, where there is reason to believe that he first abjured the protestant religion, and was secretly reconciled to the church of Rome⁷⁸. Without that dangerous sacrifice, prosperity was about to return to his family; nor did he perceive that his

⁷⁷ Clarendon, vi. 654. Philips, 647—51.

⁷⁸ Burnet, i. 121. See also two remarkable passages in Clarendon, vi. 687—9.

restoration

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Monk's
character

And situa-
tion.

restoration was preparing in the same country from which the misfortunes of his father had originated.

Monk, who commanded in Scotland, had originally served as a royalist in Ireland, till recalled and taken prisoner at the siege of Namptwich. When released from the Tower, at the conclusion of the war, he was employed by parliament in the reduction of Ireland, but if he acted from necessity against Ormond, he fought from choice against Charles in Scotland⁷⁹. His understanding was naturally cool, though sluggish, uninfected with enthusiasm; his disposition was reserved and sullen, addicted to avarice rather than ambition, and from habitual taciturnity, his dissimulation equalled that of the most religious hypocrite⁸⁰. On Richard's abdication, his situation became every way precarious and difficult. His original attachment to monarchy had long excited the expectations of the royalists, and the distrust of parliament; his present authority incurred the jealousy of Lambert, his former rival, and whichever party prevailed, he might expect to be displaced. His brother, a clergyman, was employed to communicate the offers of Charles, and if we believe the apologetical memoirs of his chaplains, he was persuaded to co-operate with Booth, and had prepared a declaration

⁷⁹ Not from necessity, as he returned from Ireland in 1649, and remained unemployed till next year, when he accepted a commission against Charles II. in Scotland. Skinner, Pref. 49.

⁸⁰ Clarendon's State Papers, iii. 679—83. Hist. vi. 701. Burnet. P. Orleans.

for a free parliament, when intelligence arrived that the insurrection was suppressed. His brother was dismissed with assurances, to encourage the long parliament in its opposition⁸¹ to Lambert; but when it was forcibly dissolved, there was no safety in remaining neutral, and no room to deliberate in his choice. He declared for parliament without hesitation; cashiered the officers whose attachment he suspected, replaced such as the new model had lately superseded, and collecting his scattered forces, prepared the army to march into England. The expedition was encouraged by the presbyterians, the royalists, and the independents themselves, whose diminutive parliament the army had dissolved. But he protested with solemn imprecations, that the ultimate and sole motive of his heart was to re-establish the authority of parliament, and the freedom of the commonwealth, which he had sworn to defend. His forces were hastily assembled at Coldstream, on Lambert's approach to Newcastle; and he represented to a convention which he summoned, of the Scottish estates, that he had received a call from heaven and earth to march into England and adjust the government; recommended the tranquillity of the country to their care, and required the advance of six months' maintenance for the subsistence of his troops. His supposed designs were received with implicit credit.

⁸¹ Price. Skinner. Gumble. Clarendon's narrative that his brother was dismissed without explanation, because he communicated his object to Monk's chaplain, is evidently erroneous.

His

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His public professions were ascribed to the necessities of his situation ; and the supplies were accompanied with the offer of an army of twenty-thousand men, which he declined as dangerous or offensive to England ; but declared his intention to retire to Stirling if overpowered by Lambert, and to arm the whole nation in his defence²². His treasury and troops were entire, but of twelve thousand veterans, as a part was necessary to preserve the subjection of Scotland, seven thousand were the utmost that could be spared. As if inclined to an accommodation, his commissioners were sent to the committee of safety, but when a treaty was concluded, he disavowed their authority, and renewed his negotiations with the unwary Lambert, whose army was reduced to free quarters and ready to disperse.

Parliament
restored.

While Monk remained on the borders, Hazlerig and Morely were admitted into Portsmouth, and Lawson entered the river with his fleet, and declared for parliament. The regiments stationed at Westminster revolted at the instigation of their former commanders ; and as the city was filled with conspiracies and tumults, the committee of safety was reduced to despair. Their troops were without pay, for the current taxes had nearly expired. The counties refused to contribute, and began to remonstrate against the government of the sword. In this extremity it was dangerous to assemble the discontented troops ; and Fleetwood,

²² Clar. ii. 702. Gumble, 148. Baillic, ii. 437, 8.

whose imbecility was now conspicuous, prostrate on the ground, and abandoned to unavailing prayer, was incapable of a single vigorous attempt for their preservation. On the approach of Hazlerig and Morley, the remains of the long parliament were invited to resume the government, and restored to their seats. Orders were issued for Lambert's forces to disperse into quarters; and as Fairfax occupied York in his rear, that unfortunate general, who had neglected during a deceitful treaty to march into Scotland, was abandoned by his army, which, without pay, it was impossible to retain. Without expecting instructions, Monk continued his march to the capital, amidst acclamations and addresses for a free parliament, under which the presbyterians dissembled their ardent desire to restore the king. The returning loyalty of the nation was too obvious to be mistaken; but he still preserved an impenetrable disguise; declined the invitation of Fairfax to declare for Charles; and entered the capital while each party remained in silent expectation and suspense.

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1659.

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Jan. 1.

The first service imposed by parliament was to reduce the refractory city to subjection. Whether, as his friends assert, he solicited the ungracious task to render the people irreconcilable to government, or recollected how odious the parliament had become⁸³, his dissimulation was prolonged when the city was firmly attached to his interest, and the excluded members restored to their seats. His

Monk's
ambiguous
conduct.

⁸³ Price, 71—9. 98. Clar. vi. 715

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ambiguous conduct was directed by events, and it may be justly questioned whether he meant from the beginning to recall the king, or in imitation of Cromwell, to assume the supreme authority, from which, when invited by the independents, and the assurance of support from Mazarine, he was deterred; according to Locke, by the indirect accusation of Ashley Cooper in the council of state, and compelled to transfer the command of the army to seceder hands⁸⁴. His declaration for a free parliament is considered as the first certain indication of his designs. But he declined all intercourse or correspondence with Charles, as if still irresolute, till the returns of royalists and presbyterians at the general elections, on a final dissolution of the long parliament, had already secured the restoration of the throne. The fleet was already prepared by Montague to declare for Charles; lord Broghill and Coot had invited him to Ireland; the council of state and the leading presbyterians had separately tendered their services and concurred in his support; when Grenville was at length admitted to a secret interview with Monk his kinsman, and dispatched with a verbal assurance of his attachment to the king. He recommended a declaration of unconditional amnesty, and a free toleration; but proposals irreconcilable to the views of court were evaded by referring to the approaching parliament, the exceptions to be made from a general pardon, and the indulgence to be granted to religious

⁸⁴ See NOTE XXI.

fects⁸⁵. The Scottish clergy, never inattentive to the interests of their church, had commissioned Sharp, a man of keen and bustling activity, but of moderate learning, to negotiate for the introduction of the king on the terms of the covenant ; but their confidence was placed in a faithless emissary, and the nation was transferred to Charles by its rigid conqueror, without conditions or an assurance of pardon.

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The dissimulation of Monk was preserved to the last. Grenville, on his return, was introduced after a private interview, as a stranger to his kinsman in the council of state ; and on producing the king's letters, committed at first to the custody of the guards. When the new parliament assembled, the peers resumed their functions and hereditary seats. The enthusiasm of the nation had entirely subsided ; and the republicans, whose zeal was no longer supported by success, were abandoned to despair. The presbyterians and royalists of whom the parliament consisted, concurred in the same design to restore the king ; but, from the silence and ambiguous conduct of the general, durst not venture even to suggest his name. When their complexion was no longer doubtful, Grenville, his messenger, was introduced amidst the loudest acclamations of the two houses, with letters and a conciliatory declaration, which were eagerly received ; and, to satisfy the impatience of the nation,

Restoration.

⁸⁵ Clar. vi. 737. Clarendon's subterfuge, in referring to parliament whatever the king or himself was unwilling to grant, but unable to refuse, was certainly not unexceptionably sincere.

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immediately published. The constitution was re-established in the three branches of the legislature by an unanimous vote. A motion to consider on what conditions they should receive the king, was over-ruled by an artful declaration of Monk, that he was no longer responsible for the obedience of the army, or the public tranquillity, if a delay intervened. Without any previous limitations on his power, the king was solemnly proclaimed in presence of the lords and commons, with the most sincere demonstrations of national joy. His departure from Breda was accelerated by daily addresses from his subjects ; and foreign nations, admonished by their sudden transition to loyalty, were eager to congratulate a prince whom they had treated hitherto with rude neglect. At the Hague he was invited by a committee from each house, to return to the quiet possession of his kingdom, and embarking in Montague's fleet, was received at Dover by Monk, whom he embraced and decorated with the ensigns of the garter. His entrance into the capital was delayed till his birth-day ; and after twenty years of domestic wars, he was restored without bloodshed, amidst the joyful acclamations of his subjects, to his paternal throne.

NOTES

AND

ILLUSTRATIONS.

NOTE I. p. 29.

THIS singular fact might be illustrated from the statutes themselves, of which some are enacted at the king's request; James I. ch. 125. James II. ch. 62. Black Acts; others by the three estates, without his concurrence; and these are either limitations on his prerogative, or injunctions for his conduct. See Parl. James I. ch. 133. James II. ch. 2. 64—7, 8, 9, 70, 1—9. 90. James III. ch. 80. Black Acts, ch. 100. James IV. ch. 6. Instances might be multiplied in abundance to shew that some of the statutes were enacted by the king and estates, others by the estates themselves.

The fact, were the statutes obscure or doubtful, is acknowledged by James, in his speech to the commons at Whitehall. He observes; "it has likewise been objected that, in the parliament of Scotland, the king has not a negative voice, but must pass the laws agreed on by the lords and commons. I can assure you that the form of parliament there is nothing inclined to popularity. About twenty days before parliament, proclamation is made to deliver to the king's clerk-register all bills to

“ be exhibited that session. Then are they brought to the
 “ king, to be perused and considered of by him; and only
 “ such as I allow of are put into the chancellor’s hands,
 “ to be proposed to parliament.—Besides, when they
 “ have *passed them for laws*, they are presented to me, and
 “ I, with my sceptre put into my hand by the chancellor,
 “ *must say* I ratify and approve all things done in this
 “ present parliament; and if there be any thing I dislike,
 “ *they raise it out before*. If this,” he concludes, “ may be
 “ called a negative voice, then I have one, I am sure, in
 “ that parliament.”

NOTE II. p. 54.

OF these letters, the first, third, and fifth, are to some unknown correspondent, the second is to Logan’s servant, and the fourth to the earl of Gowrie. 1. It is observable that the letters, the second excepted, have no direction, as if Logan were so incautious as to subscribe his own name, yet at the same time so guarded as not to prefix his correspondent’s address. 2. The first letter is dated at Fastcastle, July 18th, 1600, and dispatched by Laird Bowr, the servant, to his unknown correspondent. From a passage in the fifth letter, requesting him to accompany Gowrie and his brother in a boat to Fastcastle, this unknown person must have resided near Perth. Yet, on the same day, July 18th, Logan writes from the Canongate, desiring his servant to hasten *West*, as he was ill at ease. Not to mention the improbability of his writing from Edinburgh, to the servant whom he had dispatched that day from Fastcastle, the correspondent to whom Bowr was sent, as he was ordered to hasten *West*, must have resided in the East country, where Logan, instead of writing, might have seen him that day on his road to Edinburgh. 3. In his second letter, Logan intimates the

the plot, and the estate of Dirleton which he expected as the reward, to Bowr who was utterly unable to read, and must have applied to the first person he met to explain its contents. Bowr, according to Logan's indictment; *literarum prorsus ignarus, Georgii Sprot opera in legendis scriptis omnibus ad eum missis vel pertinentibus, utebatur.* Arnot's Criminal Trials, 375. This, says Dr. Robertson, is altogether strange. It is alone a sufficient detection; not to be explained by the capricious character of Logan; which might have led him to select such an illiterate person for his confidant, but never for his correspondent.

4. The fourth letter is an answer to one from Gowrie, received in the beginning of July. Cromarty, 116. Arnot, 49. But the answer is written on the 29th of that month, as if the plot could have admitted of such a long delay. Bowr, the messenger, returned from Gowrie within five days, on the third or fourth of August. The conspiracy took place on the fifth, of which Logan must have been apprised by Bowr on the preceding day. But instead of waiting at Fastcastle, as his letter had concerted, to receive Gowrie or the king his prisoner, or to shelter himself if suspected, he went to Lothian, says Sprott, the morning after Bowr's return, and remained there till the eleventh. Crom. 117. Abbot, 143. These inconsistencies are thus explained: The letter inserted in Sprott's confession is without a date; but at the distance of two years, when it was forged anew, and supplied with a date to correspond with the other letters, Sprott's confession was overlooked; and as Gowrie's letter was suppressed, both were contradicted.

That the forgery may be more clearly ascertained by comparison, the different editions of the same letter to Gowrie are subjoined; and from these the forgery of Logan's letters can admit of no dispute. But a fictitious may be engrafted on a real plot; and the present detection, therefore, reflects no additional

light or discredit on the Gowrie conspiracy. The most probable, and the only satisfactory explanation of that obscure transaction, is contained in the historical dissertation annexed to this volume; for which I am indebted to the friendship of a learned and ingenious writer, whose researches into the antiquities, have revealed the genuine history of his country, and the real origin of European nations. When I mention Mr. Pinkerton, the reader may have cause to regret, that in this work I have anticipated a part of his extensive plan for the history of Scotland.

Letter from Logan of Restalrig to the earl of Gowrie, as inserted in Sprott's confession and indictment. From Abbot, p. 40. 49.

" My lord, my most humble dutie and service hartily
 " remembered. At the receit of your lordship's letter
 " I am so comforted, that I can neither utter my joy
 " nor finde myselfe sufficiently able to requite your lord-
 " ship with due thanks. And perswade your lordship in
 " that matter, I shall be as forward for your lordship's
 " honour as if it were mine owne cause. And I thinke
 " there is no living christian that would not be content to
 " revenge that machiavellian massacrings of our deare
 " friends; yea, howbeit it should be to venture and haz-
 " zard life, lands, and all other things else. My heart
 " can binde me to take part in that matter, as your lord-
 " ship shall finde better prooffe thereof. But one thing
 " would be done: namely, that your lordship should be
 " circumspect and earnest with your brother, that hee be
 " not rash in any speeches touching the purpose of Padua.
 " My lord, you may easily understand that such a purpose
 " as your lordship intendeth cannot be done rashly, but
 " with deliberation. And I thinke for myselfe, that it
 " were

" were most meet to have the men your lordship spake
 " of ready in a boat or barke, and addresse them as if
 " they were taking pastime on the sea, in such faire
 " summer time. And if your lordship could thinke good
 " either yourselfe to come to my house of Fastcastle by
 " sea, or to send your brother, I should have the place
 " very quiet and well provided, after your lordship's
 " advertisement, where we shall have no scant of the best
 " venison can be had in England. And no others should
 " have access to haunt the place during your lordship's
 " beeing heere, but all things very quiet. And if your
 " lordship doubt of safe landing, I shall provide all such
 " necessaries as may serve for your lordship's arrivall
 " within a flight shot of the house. And perswade your
 " lordship you shall be as sure and quiet heere, while we
 " have settled our plot, as if you were in your owne
 " chamber; for I trust, and am assured, we shall heare
 " word within a few days from them your lordship know-
 " eth of; for I have care to see what ships comes home
 " by¹. Your lordship knoweth I have kept the L. Bothwell
 " quietly in this house in his greatest extremitie, say
 " both king and council what they liked; I hope (if all
 " things come to passe, as I trust the shall) to have both
 " your lordship and his lordship at one good dinner afore

¹ This passage is remarkable, and supposed to indicate a secret corres-
 pondence with the English court. But it is omitted, together with the
 preceding allusion to English venison, in the second edition of the lette
 as produced at Logan's trial. The reason is obvious: the convenience of
 representing Gowrie as encouraged by the connivance of Elizabeth was
 overbalanced by the offence which it must have given to Cecil and her
 surviving statesmen; and was therefore omitted when the letter was forged
 anew. Arnot, with great simplicity, quotes this as a passage from a different
 letter; (Crim. Trials, p. 38.) although the two copies differ only in the
 latter being expanded, altered, and improved. Lord Cromarty was more
 disingenuous. In transcribing Spratt's confession, he omits the letter in-
 serted in it, because it would have overturned his whole theory. I owe it
 to the memory of the late Dr. Robertson to observe, that as he seems never
 to have met with Abbot's Pamphlet, he had no opportunity of detecting
 the forgery.

" I die.

" I die. Hæc jocose, to annimate your lordship : I doubt
 " not, my lord, but all things shall be well. And I am
 " resolved whereof your lordship shall not doubt of any
 " thing on my part ; yea, to perill life, land, honour, and
 " goods ; yea, the hazzard of hell shall not affray me from
 " that, yea, although the scaffold were already set up.
 " The sooner the matter were done it were the better,
 " for the king's bucke-hunting will be shortly ; and I
 " hope it shall prepare some dantie cheere for us to dine
 " against the next yeere. I remember well, my lord, and
 " will never forget so long as I live, that mirrie sport
 " which your lordship's brother told me of a nobleman
 " at Padua, for I thinke that a parafceue to this purpose.
 " My lord, thinke nothing that I commit the secrecy hereof,
 " and credit to this bearer ; for I dare not only venture
 " my life, lands, and all other things I have elf, on his
 " credit, but I durst hazzard my soull in his keeping, if
 " it were possible in earthly men, for I am so perswaded
 " of his truth and fidelity ; and I trow (as your lordship
 " may aske him if it be true) he would go to hell gates
 " for me ; and hee is not beguiled of my part to him.
 " And therefore I doubt not but this will perswade your
 " lordship to give him trust in this matter as to myfelfe.
 " But I pray your lordship direct him home with all
 " possible hafte, and give him strait command that he take
 " not a wincke sleepe while hee see me againe, after he
 " come from your lordship. And as your lordship de-
 " fireth in your letter to me, either rive or burne, or else
 " send backe again with the bearer ; for so is the fassion
 " I grant."

The same letter as produced at the trial of Logan's remains.
From Crom. 99. Arnot, 52.

" My lord, my most humble duty with service in most
 " hearty manner remembered. At the receipt of your
 " lordship's

" lordship's letter, I am so comforted, especially at your
 " lordship's purpose communicated to me therein, that I
 " can neither utter my joy nor find myself able how to
 " encounter your lordship with due thanks. Indeed, my
 " lord, at my being last in the town, Mr. Alexander,
 " your lordship's brother, imparted somewhat of your
 " lordship's intention, about that matter, unto me. And
 " if I had not been busied about some turns of my own,
 " I thought to have come over to St. Johnston and spoken
 " with your lordship. Yet always, my lord, I beseech
 " your lordship, both for the safety of your honour,
 " credit, and, more than that, that your life, my life,
 " and the lives of many others, who may perhaps inno-
 " cently smart for that turn afterwards, in case it be
 " revealed by any, and likewise the utter wracking of our
 " lands and houses, and extirpating of our name², look
 " that we be all as sure as your lordship, and myself
 " shall be for my own part. And then I doubt not but,
 " with God's grace, we shall bring our matter to an end,
 " which shall bring the contentment to us all that ever
 " wished for the revenge of machivellian massacring of
 " our dearest friends. I doubt not but Mr. Alexander,
 " your lordship's brother, has informed your lordship
 " what course I laid down to bring all your co-associates
 " to my house of Fastcastle by sea; where I should have
 " all materials in readiness for their safe receiving on
 " land and into my house; making as it were but a
 " manner of passing time in an boat on the sea in this fair
 " summer-tide; and no other strangers to haunt my house
 " while we had concluded on the laying our plot, which is
 " already devised by Mr. Alexander and me. And I would
 " wish that your lordship would either come or send
 " Mr. Alexander to me, and thereafter I would meet your

² This passage, not contained in the letter as originally published, seems to have been suggested by the fact, that Gowrie's name was actually abolished.

" lordship

" lordship in Leith, or quietly at Restalrig; where we
 " should have prepared an fine halled kit, with fugar and
 " comfeits, and wine; and thereafter confer on matters;
 " and the sooner we brought our purpose to pass it were
 " the better, before harvest. Let not Mr. W. R.³ your
 " old pedagogue ken of your coming; but rather would
 " I, if I durst be so bold to intreat your lordship once to
 " come and see my own house, where I have kept
 " my lord Bothwell in his greatest extremities; say the
 " king and his council what they would. And in case
 " God grant us happy success in this errand, I hope both
 " to have your lordship and his lordship, with many others
 " of your lovers and his, at a good dinner before I die.
 " Always I hope that the king's buck-hunting at Falkland
 " this year shall prepare some dainty chear for us against
 " that dinner the next year, jocosely to animate your
 " lordship at this time; but afterwards we will have
 " better occasion to make merry. I protest, my lord,
 " before God, I wish nothing with a better heart nor to
 " achieve to that which your lordship would fain attain
 " unto; and my continual prayer shall tend to that effect;
 " and with the large spending of my lands, goods, yea,
 " the hazarding of my life, shall not affray me from that,
 " although the scaffold were already set up, before I
 " should falsely my promise to your lordship, and per-
 " swade your lordship whereof. I trow your lordship
 " has an proof of my constancie already or now; but,
 " my lord, whereas your lordship desires in your letter,
 " that I crave my lord my brother's⁴ mind anent this

³ Mr. William Rhind, who had travelled with Gowrie as his preceptor, had been tortured before the privy council on Gowrie's death; but as no information was obtained from his confessions, it was thought advisable in the forgery to account for his ignorance.

⁴ Logan's wife's name was Kerr: if his brother-in-law was meant, the only peer of that name was Mark, lord Newbottle, who possessed a third of Disleton, the estate which Logan expected as his reward.

“ matter, I utterly disassent from that that he ever should
 “ be an counsellour thereto; for in good faith he will
 “ never help his friend nor hurt his foe. Your lordship
 “ may confide more in this old man, the bearer hereof,
 “ my man Laird Bour, than in my brother; for I lippen
 “ my life and all that I have else in his hands. And I
 “ trow he would not spare to ride to hell’s gate to pleasure
 “ me; and he is not beguiled of my part to him. Always,
 “ my lord, when your lordship has read my letter deliver
 “ it to the bearer again, that I may see it burnt with my
 “ own eyes. As I have sent your lordship’s letter to your
 “ lordship again, for so it is the fashion I grant⁵. And I
 “ pray your lordship to rest fully perswaded of me and
 “ all that I have promised, for I am resolved, howbeit, it
 “ were to die the morn. I must intreat your lordship to
 “ expedite Bour and give him strait directions upon pain of
 “ his life that he take never a wink of sleep untill he see
 “ me again, or else he will utterly undo us. I have
 “ already sent another letter to the gentleman your
 “ lordship knows, as the bearer will shew your lordship
 “ of his answer and forwardness with your lordship, and
 “ I shall shew your lordship farther at meeting, when and
 “ where your lordship shall think it meetest. Till which
 “ time and ever, I commit your lordship to the protection
 “ of Almighty God.

“ *From Gunns Green, the 29 day of July 1600.*”

⁵ This, with Arnot, is an argument for the authenticity of the letters, but is evidently inserted to account for a letter sent to Gowrie, appearing afterwards in Logan’s or his servant’s possession. In the first copy it is very different, that Gowrie should either destroy or return the letter. Here the reason is, that as he had returned Gowrie’s letter, which, although produced in Sprout’s confession, it was thought necessary now to suppress, his own should also be returned by the bearer.

NOTES AND ILLUSTRATIONS.

POSTSCRIPT.

“ PRAYS your lordship hold me excused for my unseemly
 “ letter; which is not so well written as mifter were;
 “ for I durst not let any writers ken of it; but took two
 “ fundry idle days to do it myself. I will never forget
 “ the good sport that Mr. Alexander, your lordship’s
 “ brother told me of a nobleman of Padua. It comes so
 “ oft to my memory, and indeed it is aparastur to the
 “ purpose we have in hand:

“ Your lordship’s own sworn and bunden man to obey
 “ and serve with effold and ever ready service, to his utter
 “ power to his life’s end,

“ Sic Subscribitur

“ RESTALRIG.”

NOTE III. p. 140.

“ I ASSURE you I have not been idle, so that I hope by
 “ the next week I shall send you some good assurance
 “ of the advancing of our preparations.—This I say
 “ not to make you precipitate any thing, but to shew I
 “ mean to *stick to my grounds*, and that I expect not any
 “ thing can reduce that people to their obedience but only
 “ *force*.” Burnet’s Mem. p. 55—62. The negotiation,
 therefore, was deceitful, to gain time till a force was
 ready; as more clearly expressed in the same letter from
 Charles to Hamilton. “ As for dividing the declaration,”
 (omitting the opprobrious requisition of the covenant,
 Id. 44.) “ I find it most fit, to which I shall add, that I am
 “ content to forbear the latter part thereof until you
 “ *you hear my fleet has set sail for Scotland*. In the mean
 “ time your care must be how to dissolve the multitude,
 “ and

“and to possess yourself of my castles of Edinburgh and Stirling. And to this end I give you leave to *flatter them with what hopes you please*, so you engage me not *beyond my grounds*; your chief end being now to *win time* that they may not commit public follies till I be ready to suppress them. And since it is, as you well observe, my own people, which by this means will be for a time ruined, so that the loss will be inevitably mine; and this if I could eschew, were it not with a greater, were well. But when I consider that *not only* now my crown, but my *reputation for ever* lies at stake, I must rather suffer the first,” (the ruin of his people,) “that time will help, than this last,” (the loss of reputation,) “which is irreparable.”

Assuredly his crown was not then endangered; and although his ideal dignity might suffer from the loss of an usurped prerogative, no real reputation would have been lost with posterity, by a formal and sincere abrogation of the liturgy, canons and high commission; by a suspension of the five articles, a prohibition of the illegal oaths administered to entrants, or even by the concession of an assembly and parliament. The grounds to which he was resolved to adhere, and beyond which, whatever his commissioner might promise or insinuate, he was not to be engaged, were the denial of *those impertinent and damnable demands*. “This I have written to no other end than to shew you I will rather die than yield to those impertinent and damnable demands; for it is all one as to yield to be no king in a very short time.” That is his supremacy must suffer if the high commission, which he proposed merely to regulate, and the liturgy and canons, which he still meant, in the ambiguous style of his declaration, to introduce “in a fair and legal way,” were abolished.

NOTE IV. p. 142.

The sincerity of these concessions may be suspected from the concluding article of Hamilton's instructions, on his second journey. "Notwithstanding all these instructions, you are by no means to permit a present rupture to happen, but to yield any thing, though unreasonable, rather than now to break." The original draught of the concessions revised by himself, still indicates that the liturgy, canons, and high commission, though revoked, were not therefore abrogated, but might be resumed at a propitious season *in a legal way*. Burnet's Mem. 95. They were neither to be abrogated nor examined by the assembly. This, conjoined with his instructions to dissolve the assembly on nullities, evinces that nothing more than a temporary revocation was intended. A subsequent letter, suggesting a verbal correction of his declaration to the assembly, reveals his intention. "That I should not be thought to desire the abolishing of that in Scotland which I approve and maintain in England (the articles of Perth), the word content expresses enough my consent to have them *surcease for the present*, but the word pleased, methinks, imports as much as if I desired the assembly to take them away, or at least were well pleased that they should do so." Here the object proposed is very different from the reason assigned; he is content that the articles should surcease for the present, but unwilling that they should be abolished by the assembly. Id. 93.

NOTE V. p. 161.

THEY are stated as the preliminaries of the treaty, by May, Salmonet, Guthrie, and more particularly by Burnet,

bet, without perceiving that these are the same conditions which were disavowed by the English commissioners, "as for the most part false and slanderous, and no way agreeable to what his majesty expressed." Clarendon observes of the treaty, "that the most material matters passed in discourse, and very little was committed to writing; nor did any two who were present agree in the same relation of what was said and done, nor, what was worse, in the same interpretation of what was comprehended in writing." And of the papers published by the Scots, he observes, "that although every body disavowed the contents, yet nobody would take upon him to publish a copy that they avowed to be true." i. 123, 4. The conditions were suppressed, as May observes, in the act of state or council ordaining them to be burned.

The Scots objected, that the preface and conclusion of his majesty's declaration were harsh, importing as if they struck at monarchy and his majesty's royal authority.

To which the king answered, that he had no such opinion of them; but required that the paper should not be altered, for the sake of his honor among foreign nations; and urged that they would not stand with their king upon words, if so be they obtained.

They objected, that the declaration containing an impeachment of the assembly of Glasgow as *pretended*, their accepting it as a satisfaction of their desires might be construed a departing from the decrees of assembly.

The king answered, that as he did not acknowledge the assembly farther than that it had registered his declaration, so he would not desire his subjects of Scotland to pass from the said assembly, or the decrees thereof.

It was with all humility urged, that if his majesty would comply with that chief desire of the subjects, the quitting with and giving up episcopacy, his majesty might

NOTES AND ILLUSTRATIONS.

depend on as cordial subjection from them as ever prince received.

His majesty answered, that having appointed a free general assembly, which might judge of all ecclesiastical matters, and a parliament wherein the constitutions of assembly might be ratified, he would not prelimit nor forestall his voice.

There are five other objections, immaterial, or what confirms their authenticity, productive of an actual alteration in the king's declaration. Stevenson's Hist. ii. 742. Sanderfon, 267.

NOTE VI. p. 193.

Were we to believe the royalists, lord Balmerino and Gibson of Dury tampered with Stewart to retract the charge; and when persuaded to do so by an assurance of life and preferment, he was tried and executed at the instance of Argyle. (Guthrie's Memoirs, 94.) Such odious and complicated treachery, which has been too hastily credited, is disproved by the original depositions before the committee of estates; which, fortunately for the memory of Argyle, are still extant. On the discovery of the bond, it appears that Montrose, in a conference with one Murray, minister at Methven, endeavoured to persuade him that it was framed in strict conformity to the covenant, and in opposition to those who meant to create a dictator and depose the king. When examined by the committee of estates on this strange report, Murray appealed to Montrose, who produced Stewart as his author. Stewart's original declaration was, "that
 "when the earl of Athol and eight gentlemen (of whom
 "Stewart was one) were prisoners in Argyle's tent at the
 "ford of Lion, Argyle spoke publicly to this effect;
 "that

" that the estates had consulted both lawyers and divines
 " anent (concerning) the deposing of the king, and gotten
 " resolution that it might be done in three cases ; 1. De-
 " sertion ; 2. invasion ; 3. vendition, or prodiction of the
 " kingdom ; *and that they thought to have done it at the last*
 " *session of parliament, and meant to do it at the next sitting*
 " *thereof.*" Five of the earl of Argyle's attendants swore
 that no such words were uttered in the tent. Stewart
 declared, on retracting the accusation, " that the earl of
 " Argyle having spoken of kings in general, and the cases
 " wherein it is thought that kings might be deposed, the
 " deponent did take the words as spoken of our king ;
 " and out of the malicious design of revenge, the de-
 " ponent confesses he added these words, that the first
 " thing the parliament would have begun upon was to
 " depose the king ; and sicklike added these words, and
 " however they had continued (deferred) it, he feared it
 " was the first thing they would fall upon at the next
 " session, or the first thing that will be begun in the
 " next session." That this confession was strictly true,
 appears from Sir Thomas Stewart's original declaration.
 When Stewart's information was transmitted to court,
 Traquair offered a pension to him or Sir Thomas Stewart
 if either would certify Argyle's words in writing. Sir
 Thomas accordingly certified, " that Argyle in his tent
 " at the ford of Lion declared, that it was agitated at the
 " parliament, whether or not a parliament could be
 " solemn without the king or his commissioner ; and last
 " it was determined by the best divines and lawyers in
 " the kingdom, that ane parliament might be solemn
 " without either the king or his commissioner ; and that
 " a king might be deposed, being found guilty of,
 " 1. venditio, 2. desertio, 3. invasio." This declaration,
 which was intercepted on Montrose's messenger, and
 attested by Sir Thomas Stewart before the committee of
 estates, is a sufficient proof that Stewart was not suborned
 by

by promises to retract the truth. Woodrow's MSS. v. 65. Folio, N. 16. 25. 30.

NOTE VII. p. 265.

"Every attempt," says Hume, "which had been made to gain the popular leaders, and by offices to attach them to the crown, had failed of success.—The ambitious and enterprising patriots disdained to accept in detail, of a precarious power, while they deemed it so easy, by one bold and vigorous assault, to possess themselves forever of the entire sovereignty." Hist. v. p. 444. The slightest assertions of this judicious historian are entitled to respect: but I can discover no authority whatever for the sedulous endeavours of Charles to gain the leaders, or for their contemptuous disregard of every offer which he made. On the contrary, Clarendon ascribes the failure expressly to the king. The negotiation with the earl of Bedford was a wise measure, recommended and urged by Hamilton. Bedford had secretly undertaken the preservation of Strafford, to which Pym, his friend, would have probably acceded; and both had engaged to establish the revenue. Clarend. i. 211. 254. "But there were few," says Clarendon, "who thought their preferment would do them much good, if Strafford was suffered to live; and so the continued and renewed violence in the prosecution, made the king well contented that the putting of these promotions in practice should be for a time suspended." p. 212. Afterwards he explains the king's aversion to a change. "But the rule that the king give himself, that they, (Hamden, Pym, and Hollis,) should first do service, and compass this or that thing for him, before they should receive favour, was very unreasonable at that time; and so he grew so far disobliged and provoked, that

"that he could not in honour gratify them; and they
 "so obnoxious and guilty, that they could not think
 "themselves secure in his favour." p. 323. Charles,
 therefore, was determined not to admit them to office,
 unless previously devoted to his service; and we may con-
 clude, from the narrative of his apologetical historian, that
 Hamilton's negotiations were interrupted by the pre-
 servation of Strafford being required as a service to be
 performed previous to their promotion.

NOTE VIII. p. 209.

The original depositions were probably suppressed in
 consequence of the accommodation between the king and
 parliament, and are not now to be found. But the
 following notes or contents of the depositions are preserved
 by Balfour in his Journal of Parliament.

October 28, Rege Presente.

The great committee for the late incident does make
 their report, and the depositions taken by them are publicly
 read in the house.

Captain William Stewart's depositions of the 12th of
 October, (taken) by the three estates, anent the discovery
 to him of the plot by lieutenant colonel Alexander Stewart,
 which plot was to be put in execution the 11th of October.

The said captain William's second deposition taken by
 the committee, little or nothing differing from that taken
 by the three estates, read lieutenant colonel Alexander
 Stewart's depositions taken by the committee 22d Octo-
 ber, containing a discourse contrary in purpose to that
 which captain William Stewart deposed he related to him,
 anent the apprehending the marquis and Argyle, and
 sending them to the king's ship, or else stabbing them;

KK 3

but

NOTES AND ILLUSTRATIONS.

but concerning my lord Ochiltree's imprisonment and liberation; and how the said lord had spoken truth of the marquis; which was, that he was a traitor in effect: this deposition was all contradictory to captain William Stewart's.

The two Stewarts' contradictions, taken under their great oaths paralleled, read.

Lieutenant colonel Home's deposition before the three estates 12th October, and his re-examinations before the committee 23d October, affirming all his former depositions to be truth, wherein there was much of the plot discovered.

Matthew Hamilton's deposition being read, contradicting his master lieutenant colonel Alexander Stewart.

Lieutenant colonel Ludovick Leslie's depositions read, anent lieutenant colonel Alexander Stewart's going with him to Sweden, which was altogether false.

Lieutenant colonel Richardson's deposition before the committee 23d October, anent his privy conference with the earl of Crawford, read.

Colonel Lawrence Blair, his depositions before the committee, anent his discourses with the earl of Crawford, full of fooleries, read.

Earl of Crawford's depositions before the committee, anent a discourse at dinner in the earl of Airley's house, concerning a letter written by the earl of Montrose to the king, *wherein he undertakes to prove the marquis Hamilton a traitor*, read.

Lieutenant colonel Hume's second deposition before the committee 23d October, anent a discourse betwixt colonel Cochran and him, of William Murray's taking him to the king's bed-chamber, read.

Captain Robert Kennedy, his deposition before the committee anent his discourse with colonel Cochran, read.

Colonel

Colonel Cochran's deposition under his own hand, containing a conference betwixt William Murray and him, *anent the arresting of Hamilton and Argyle*, read.

Item the committee's interrogatories at Cochran of his own depositions, wherein he contradicts Hume, read.

William Murray, one of the grooms of his majesty's bed-chamber, his depositions taken by the committee 25th October, anent a discourse betwixt the earl of Montrose and him, which he confesses he declared to his majesty; and of his delivering of *three letters* from the earl of Montrose to the king, and of his majesty's answer to them.

Item the said William confesses his taking of colonel Cochran to the king's bed-chamber: but does not know what the colonel said to the king.

Item he denies many points of Cochran's depositions against him, anent diverse discourses betwixt them.

Item he denies he knows any thing of *drawing Hamilton and Argyle to a conference in the king's drawing chamber*, read.

Lord Almond's depositions before the committee, 25th October, wherein he confesses that William Murray, Crawford, lord Ogilvy, and Gray, &c. was such a night at his house, read.

The earl of Crawford's re-examination by the committee 27th October instant, read; wherein he declares his former depositions to be all true, but only some which he retracts; and in these (depositions) he confesses that in the lord Almond's house *there was speaking amongst them of arresting Hamilton and Argyle*.

Colonel Cochran's re-examinations on his great oath before the committee 27th October instant, wherein he declares all his former depositions to be true, but only these two discourses betwixt William Murray, the earl of
K K 4
Crawford,

Crawford, and him ; and the precise time of his own discourse with the lord Ogilvy.

The committee's interrogatories at Cochran, of his own depositions full of contradictions, read.

William Murray's re-examinations by the committee 27th October, upon his great oath, read ; wherein he denies these things *that Crawford and Cochran lays to his charge.*

Crawford and Cochran's confrontations with William Murray before the committee 27th October inst. read ; wherein William Murray does altogether deny that ever he desired Cochran to go to the king's bed-chamber.

Lieutenant colonel Hume's re-examination upon his great oath, wherein he avows all his former depositions, and adds anew against the earl of Crawford, read.

The house ordains each estate to have a copy of these depositions, to the effect they may take the same into their consideration, and to meet apart this day in the afternoon.

3d November.

The committee for the incident make their report, that according to the order of the house they had called before them the earl of Montrose, and interrogated him what he meant by these words of his letter : " that he would " particularly acquaint his majesty with a business which " not only did concern his honour in a high degree, but " the standing and footing of his crown likewise ;" he said, what his meaning was he had already declared to his majesty, and the committee from the parliament on Saturday last, at Holyrood-house ; he further declared, that thereby he neither did intend, neither could nor would he wrong any particular person whatsoever.

This being read, under Montrose's hand, to the house, it did not give them satisfaction.

Such

Such is the additional evidence which I have discovered respecting this obscure transaction. 1. It appears that captain William Stewart adhered invariably to the information which he had received from colonel Stewart, and disclosed to Hurry, of a plot to arrest Argyle and Hamilton, and convey them on board a ship, or else to assassinate them. This was denied by colonel Stewart, whose evidence in other particulars appears to have been false and contradictory. But it is confirmed in the most material circumstances by the actors themselves. Crawford and Cochrane separately acknowledge that there was a plot, design, or proposal, in agitation, to arrest these noblemen; and their evidence, as it was given with reluctance, instead of being confuted, is confirmed by their contradictions. Their evidence seems also to have been confirmed by colonel Hume, who had been desired to be in readiness that night of the incident, (Hardwick's Papers, ii. 301.) and from whose deposition it is said that much of the plot was discovered. Murray, as might be expected from the situation and historical character of the man, denies any knowledge of a design to draw Argyle and Hamilton to a conference at court. But he confesses that he introduced Cochrane to a secret audience, and acknowledges a conversation with Montrose which he communicated, and three letters which he conveyed to Charles. The explanation given by the king of Cochrane's audience was, "that when he came in he shewed me "that he had some matters to impart to me, which *did* "nearly concern the welfare of my affairs, but adjured me "not to reveal them, which on my word I promised to "him." Balfour, 112. The proposed arrest of Argyle and Hamilton must appear therefore to be indisputable, when reluctantly acknowledged by Cochrane and Crawford. But it is not at court that a design is formed, or even a proposal made, to arrest a nobleman, without the approbation, or some reason at least to expect the concurrence

rence of the king. 2. No satisfactory explanation was given of the letter from Montrose, "that he would particularly acquaint his majesty with a business which did not only concern his honour in a high degree, but the standing and footing of his crown likewise." It had no relation to Stewart the commissary's accusation of Argyle, which had already been transmitted to Charles before Stewart was tried. It must have referred to Hamilton's supposed intercourse with the covenanters, or to their mutual correspondence with the English puritans, or more probably to both. In a letter published by lord Hailes (Mem. and Letters ii. 124.) Wariston intimates so early as the treaty, (21st April 1641,) that "his (Charles's) mind seems to be on some projects here shortly to break out; he is certainly put upon this to stick on the act of oblivion, both for to save Traquair, if he grant it, or to ensnare any *English whom he apprehends to have had any intercourse with us*, if he grant it not." Burnet, Wariston's nephew, who could not well be mistaken in the fact, informs us that the king, in pursuance evidently of this design, had discovered the engagement forged by Saville, and pressed his uncle to deliver it up. The fact is confirmed by other historians, with this addition, that it was the foundation of the impeachment which Strafford was prepared to bring against the popular leaders, when he was impeached himself. (Acherly, Oldmixon). Franklyn (Annals, 906.) and Nalson (ii. 810.) assure us, that the information against the six members was obtained in Scotland, when the king was there; and although the *Eikon Basilice* be the composition of Gauden, yet, in the following passage it may contain a court secret, as it was written in conjunction with Duppa, the prince's tutor, and in all probability communicated to Charles. "I had discovered, as I thought, the unlawful correspondence they (the six members) had used, and the engagements they had entered into to embroil the
"kingdoms;

“kingdoms; of all which I *missed but* little to have produced writings under some men's own hands, who were the chief contrivers of the following innovations.” (Charles's Works, 650.) This passage can apply to no engagement (for there were none in writing) but Saville's forgery, which Charles fought so eagerly, and “missed so little,” to procure from Wariston. From these passages it appears that he was extremely solicitous, during the treaty, to obtain possession of the forged invitation, and that the materials of his accusation against the six members were discovered in Scotland. The discovery of their unlawful correspondence was, therefore, a principal object of his journey; and when the authority of Clarendon is added, “that Montrose informed him of many particulars from the beginning of the rebellion, and that the marquis of Hamilton was no less faulty and false towards his majesty than Argyle,” there is no room to doubt the source from whence his information was derived. It was from the same information of Montrose that Hamilton was afterwards arrested at Oxford, and imprisoned two years and an half without a trial in a manner sufficiently to illustrate the object of the incident.

Collectively these authorities prove that the incident was not altogether a fictitious plot, and that the proposed arrest of Argyle and Hamilton, and the impeachment of the six members, were derived from the same information of Montrose.

NOTE IX. p. 210.

“That his majesty be humbly petitioned by both houses,
 “and graciously pleased to employ such counsellors, ambassadors, and other ministers, in managing his business
 “at home and abroad, as the parliament may confide in;
 “without which we cannot give his majesty such supplies
 “for

“for the support of his own estate, nor such assistance to
 “the protestant party beyond sea, as is desired. It may
 “often fall out that the commons may have just cause to
 “take exception at some men for being counsellors, and
 “yet not charge these men with crimes, for there be
 “grounds of diffidence which lie not in proof, &c.”
 Rushw. v. 438.

Such is the purport of almost every remonstrance or address from the commons. But that were to put the king, it is said, into the hands of his enemies. True; but it was the most effectual way to reconcile them; nor can it be doubted or disputed for a moment, that if he had submitted implicitly to a change of ministers, and resigned himself without reserve to the popular leaders, his prerogatives would have been preserved, and his revenues restored, or perhaps augmented. But the king had not yet ceased to be his own minister, when the first systematic opposition was formed against the crown. He wanted ministers devoted to himself; and preferred Falkland, Colepepper, Hyde, to the indignation, as the latter confesses, of the prevailing party; “that any member should
 “presume to receive preferment which they had designed
 “otherwise to have disposed of.” Clarendon, i. 341. The very sentiments of an independent house of commons, determined, instead of receiving a master, to impose a popular administration on the crown,

NOTE X. p. 221.

This concert is acknowledged by Clarendon, in his private memoirs; nor can its object be disputed. Clar. Life, vol. i. 111, 112. 156. Neal, the puritan historian, relates, that a few days after the king's removal from Whitehall, it was resolved, in a cabinet council at Windsor, that the queen, who was about to depart with her daughter for Holland, should carry the crown jewels thither,

thither, to pledge for money, ammunition, and arms; and by the intervention of the Pope's nuncio, procure 4000 soldiers from France and Spain; that until the success of her negotiations were determined, the king should avoid an agreement with parliament, and endeavour to secure possession of Portsmouth and Hull, ii. 11. 543. Though I cannot discover his authority, Neal is a writer of undoubted veracity, and in this relation coincides with the inadvertant discoveries of Clarendon. The accusation of the members was on the 3d of January; the king retired on the 10th from Whitehall, and on the 12th of January from Hampton court to Windsor, where he remained till the queen's departure on the 9th of February. Rushw. v. 482. On the 23d of January he writes to Montrose, in a letter referring for particulars to the messenger, "I am confident that the generosity which made you hazard so much as you have done for my service will at *this time* induce you to *testify your affection* for me as there shall be occasion." To testify his affection, was to take up arms when the occasion arrived, the only testimony Montrose could give. Wishart's Hist. of Montrose. So early had the king determined to have recourse to arms.

NOTE XI. p. 309.

Dr. Birch, in his enquiry into the share of Charles in the transactions of Glamorgan, has produced two letters, the first of which Hume has endeavoured in vain to obviate. "I neither have time," says Charles in his letter to Glamorgan, "nor do you desire that I should repeat unnecessarily those things I have so often said to you." After an assurance of his constant friendship for Glamorgan, the more necessary amidst this universal defection, he proceeds: "However that be, I am persuaded that you cannot doubt but that I will *perform all the instructions and promises made to you and the nuncio*," 5th April 1646.

NOTES AND ILLUSTRATIONS.

This assurance, says Hume, relates to a new negotiation and provisional treaty between Glamorgan and the Irish, after the old one had been disavowed by the king, and considered as annulled. The supposition of a new treaty can never account for the unremitted affection and confidence which the king continued to repose in Glamorgan, if the latter had so grossly abused that confidence, and exceeded the limits of his first commission. But the fact is, that the new treaty was merely a continuance of the old. No new instructions had been given to Glamorgan, nor any new promises made to the nuncio. The assurance refers to "those things which the king had so often said to Glamorgan, and thinks it therefore unnecessary to repeat;" that is, to his original instructions and promises, to which, though disavowed ostensibly by the most solemn protestations, he still adhered. Hume's Hist. vii. note B.

The second letter from Charles to Glamorgan, Hume has not attempted to obviate or evade. "I have always loved your person and conversation, which I ardently wish for at present more than ever, if it could be had without prejudice to you, whose safety is as dear to me as my own. If you can raise a large sum of money by pawning my kingdoms for that purpose, I am content you should do it : and if I recover them I will repay that money. And tell the Nuncio, that if once I can come into his and your hands, which ought to be extremely wished for by you both, as well for the sake of England as Ireland, since all the rest, as I see, despise me, I will do it. And if I do not say this from my heart, or if in any future time I fail you in this, may God never restore me to my kingdoms in this world, nor give me eternal happiness in the next, to which I hope this tribulation will conduct me at last, after I have satisfied all obligations to my friends, to none of whom I am so much obliged as to yourself, whose merits

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“towards me exceed all expression.” *Newcastle, July 20.* Not to multiply observations on this letter, it is sufficient to ask, what obligations or acknowledgments were due to Glamorgan, if he had exceeded his instructions in his treaty with the Irish council at Kilkenny? or what possible merit could he possess with Charles, unless he had submitted to such imputation in order to preserve his master’s reputation and honour? The letter attests not only the most unbounded affection and confidence, but the authenticity of Glamorgan’s commissions, by one which was still more extravagant, to pawn the three kingdoms for a sum of money.

Independent of these letters, Clarendon’s evidence is sufficient on the subject. In a letter to secretary Nicholas, he enumerates those transactions which he would not attempt to vindicate in his history of the reign. “I must tell you I care not how little I say in that business of Ireland, since those strange powers and instructions to your favourite Glamorgan, which appear to me so inexcusable to justice, piety, and prudence. And I fear there is very much in that transaction more than you or I were ever thought wise enough to be advised with in. Oh! Mr. secretary, those stratagems have given me more sad hours than all the misfortunes that have befallen the king, and look like the effects of God’s anger towards us!” (Clar. State Papers, ii. 337.) “I could wish the king should sadly apply himself to the part he has to act, that is to suffer resolutely, and to have no tricks. You do not believe that lord Digby knew of my lord Glamorgan’s commissions and negotiations in Ireland. I am confident he did not; for he shewed me the copies of letters which he had written to the king upon it, which ought not in good manners to have been written, and I believe will never be forgiven him.” (Id. 346.) From these extracts it is evident that Clarendon believed the commissions genuine. That
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his opinion was confirmed on investigating the subject after the restoration, is farther evident from his silence respecting Glamorgan's transactions in his history, which was finished in 1672, during his exile. From a letter in the *Biographia Britannica*, (iii. p. 28. Kippis's edition,) it appears that Charles maintained, by means of Antrim, another correspondence with the Irish insurgents, unknown to Ormond.

NOTE XII. p. 335.

The following remarkable passage from Argyle's defence, 1661, coincides with Baillie's information, and explains the secret transactions of the times.

When the defender came from Ireland to Newcastle, his Majesty sent him with instructions to the commissioners in London, (of which commissioners the defender was one,) to hasten the propositions; and privately commanded the defender to take the advice of the duke of Richmond and the marquis of Hertford anent (respecting) what might concern his majesty; and particularly if it was fit that the Scots army should declare for his majesty; whose judgment and opinion was, (which they conjured him to tell his majesty,) that such a course was the only way at present to ruin his majesty; for that he himself knew that neither the nobility nor gentry of England who attended him at Oxford, wished him to prevail over his parliament by the sword; and much less would they endure the Scots army to do it; and that it would make all England as one man against him; and that it was their earnest request to his majesty by any means to give way to the propositions. Which advice he not only faithfully told to his majesty at Newcastle, and to many others there, and to our gracious sovereign who now is, when he was in Scotland; but also being in the tower, he entreated the lieutenant thereof

thereof to propose for him, that the marquis of Hertford, who was then alive, should be examined on this matter ; which was put off from time to time because of his majesty's great affairs. And it is most certain that as neither independent nor sectary was able to carry one vote in the house at that time, so it is notorious that they who tendered his majesty most in England, were for disbanding the Scots army ; and his majesty staying in England, wherein the defender appeals to the particular knowledge of the earls of Lauderdale, Loudon, sir Charles Erskine, and the rest of the commissioners then there ; and it is of truth, which all know, that so little fear, suspicion, and jealousy, there was of what followed, that the great fear of his majesty's friends in both kingdoms was, that if he fixed on his subjects in Scotland all England would be against him, and probably cast off his government and interest for ever ; so that under what representation soever the matter may now appear, (because of the sad sequels,) yet to them who know the matter as it was there stated, what declarations and assurances there were from the parliament of England, and how little fear of the prevalence of sectaries, it did appear to be an act, if not of necessity, at least an act very expedient and convenient for the time. Argyle's Defence against the Grand Indictment, p. 44.

NOTE XIII. p. 351.

HUME rejects the story of the intercepted letter, as a rumour totally unworthy of credit, first mentioned by Roger Coke, a passionate historian, who wrote so late as king William's reign ; yet he proceeds to transcribe from Carte, lord Broghill's narrative of the intercepted letter, as more worthy of attention. But it is observable, 1. That Coke was a member of the Rota Club in 1657,

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and that the report is mentioned by other contemporaries, Dugdale, p. 378. and Herbert, 61. who endeavour in vain to disprove it by arguments drawn from the sincerity of Charles, or the improbability of his having no secure mode of correspondence with the queen. 2. Lord Broghill the earl of Orrery's narrative, preserved by Maurice his chaplain, is distinct and explicit. Cromwell, riding out with Ireton and Broghill, after the latter had relieved them at Clonmell, observed repeatedly, in a familiar conversation, that they had once a mind to have closed with the king, and had he consulted his own judgment, or had his servants been true, he would have fooled them all. Finding them in a communicative humour, Broghill asked an explanation, to which Cromwell freely answered, that observing the Scots and the presbyterians likely to agree with the king, they resolved to prevent them by obtaining reasonable conditions for themselves. While deliberating on the subject, they were informed by one of their spies of the bed-chamber, that their doom was fixed that day, and communicated in a letter to the queen, which was sewed up in the skirt of a saddle, to be sent by a messenger ignorant of the charge, to an inn in Holborn, and conveyed to Dover. "Ireton and I resolved immediately to take horse from Windsor, and watching at the inn in the disguise of troopers, we discovered the messenger, took away the saddle to examine it, and on unripping one of the skirts got possession of the letter. His majesty acquainted the queen that he was courted by both factions, the Scotch presbyterians, and the army; that which of them bid fairest for him should have him; but that he thought he should close with the Scots. Upon this," continued Cromwell, "we speeded to Windsor; and finding we were not likely to have any tolerable terms with the king, we resolved to ruin him." Orrery's Life prefixed to his Letters, Lond. 1742. 3. The same fact is evidently mentioned by Coke,

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a contemporary, and with the same circumstances by Kennet, Complete Hist. iii. 170. Edit. 1719, with this difference in the contents of the letter, as preserved by Coke, that in assenting to Cromwell's proposals, it would be easier to take him off afterwards, than now at the head of his army. 4. The letter itself appears to have existed at a later period. Wagstaff mentions, and disputes an averment of Millington's, that the letter was then in his possession; but the fact is the more probable from the authenticity of lord Anglesea's Memorandum on the *Icon*, which was also in his possession; the existence of which, Wagstaff, like a true zealot, has also disputed. Kennet informs us that Dr. Lane of the Commons had seen, as he frequently declared, the original letter in the king's hand writing. Harley, lord Oxford, frequently informed Bolingbroke that he had seen and examined the letter, which was written in answer to one from the queen, intercepted and again forwarded to Charles, blaming him for two great concessions to these villains, Cromwell and Ireton. He replied, "that she should leave him to manage, who was better informed of all circumstances than she could be; that she might be entirely easy as to whatever concessions he should make them, for that he should know in due time how to deal with the rogues, who, instead of a filken garter, should be fitted in due time with a hempen cord." "Thus," said Harley, "the letter ended, which they waited for, and intercepting accordingly, it determined his fate." *Richardsoniana*, p. 132. Here the contents of the letter correspond with Coke; and the circumstance of the first letter from the queen being intercepted, coincides with Dugdale and Herbert, who knew or have communicated no more of the report. Cromwell might employ his spy to procure intelligence of the last letter, in consequence of having intercepted the first. The contents of that letter, in which his *doom was fixed*, though softened by Orrery or his chaplain,

must have communicated something more energetic than an inclination rather to join with the Scots; namely, the design preserved by Coke, and recollected distinctly by Harley as the conclusion of the letter, to raise and afterwards to ruin Cromwell. A single traditionary anecdote is certainly a slight foundation for an historical fact. But the concurrent reports of contemporaries, confirmed by Orrery on the authority of Cromwell, when combined with the existence of such a letter at a subsequent period, must render the fact indisputable, that a letter from Charles, which revealed the insincerity of his intrigues with the army, was intercepted by Cromwell, and determined his fate.

NOTE XIV. p. 391.

THE direct evidence for the authenticity of the *Icon*, consists of three witnesses : 1. Major Huntingdon, whose reports to Beck, Walker, and Duck, are certainly contradictory; but whose information to Dugdale is, that at the king's most earnest request, he procured and restored to him, from Fairfax, the *Icon* which had been lost with his cabinet at the battle of Naseby; that the chapters, as he well remembers were in *for Edward Walker's hand-writing*, with interlineations by the king; but that the prayers were all written in the king's own hand. To bring this evidence directly to the test, *sir* Edward Walker, who maintains the authenticity of the *Icon*, in opposition to Lilly, refers his opponent to an anonymous pamphlet, the *Image Unbroken*, instead of attesting the fact that he had transcribed the chapters himself, the strongest proof of their authenticity which it was possible to produce. But he informs us that his *Historical Discourse* on the civil wars was undertaken at the king's request; that it was presented to him in April 1645; delivered to Digby to revise, and actually lost at the

the battle of Naseby; that it was recovered two years afterwards from Cromwell, and delivered by an officer of the army to the king at Hampton court. Hist. Discourse, p. 228—46. Such was the only book in Sir Edward Walker's hand-writing, which was lost at Naseby, and returned by Huntingdon the officer to the king. At the distance of thirty years, he converts it, without scruple, into the Icon, which should teach historians how to estimate his veracity in the noted apology for resigning his command. Thurloe's State Papers, i. 90. 2. Herbert informs us that he found the MS. among the books which the king left him, and although he never saw him write it, as he wrote always in private, "yet he found it, on comparison, so very like, as induces his belief that it was the king's hand-writing." Mem. p. 43. His hand-writing was a fact concerning which there could be no dispute. But Herbert's opinion is delivered with a cautious hesitation, which he explained to Warrick, "that he saw the MS. in the king's hand, as he believed, but it was in a running character, and not that which the king usually wrote." Warrick's Mem. p. 69. His evidence therefore resolves into an opinion that it was the king's hand, and an acknowledgment that it was not his usual hand-writing. His MS. in all probability was the same that was shewn, by the earl of Anglesea, to Charles II. and his brother, when they assured him that Gauden was the real author. But in that MS. according to the obvious meaning of the earl's memorandum, there were only some corrections and alterations in the king's hand. According to Gauden, and the evidence of his widow, and his friend Dr. Walker, a copy was sent with the commissioners to Newport, and presented by Duppa, bishop of Winchester, to the king; by whom, as it was graciously received, we may presume that it was revised and corrected, or rather slightly interlined. That copy must have been seen by his attendants, and found, on his death,

death, among those books which he left to Herbert ; but from this circumstance a strong, additional detection occurs. When he distributed his favourite authors among his children and friends, bequeathing Hooker, Laud, and Andrews, to the princess Elizabeth ; Hammond, and king James's Works, to the duke of Gloucester ; Cassandra, to the earl of Lindsey ; a copy in his own hand-writing of a work which he prized above his diadem, and composed as a monument of his truth and piety, would never have been left among the books which his attendant was permitted to appropriate. Gauden's performance would be neglected amidst his more serious preparations for death ; but when he sent a bible with exhortations to his eldest son, a ring dial to the second, his own portraiture, drawn with such care, and recovered with such difficulty, would never have been forgotten. 3. Levett's evidence is more explicit, but less important. He knew the work to be the king's, having frequently seen him writing his resentments of the rude soldiery ; and when permitted to attend him at Newport, had an opportunity to read the MS. under his own hand. That Levett, a page of the back-stairs, when Herbert, who slept in the bed-chamber, and every other servant were excluded, should have access to the king when writing his *Suspiria*, conveys its own refutation. His positive but vague affirmation that the MS. which he read at Newport was under the king's own hand, is of no weight, when Herbert, a man of science and observation, in possession of the MS. hesitates, and is unable to decide the fact. When the direct evidence amounts to nothing, the hearsay reports, which multiply the MSS. and the persons who received them, to an indefinite number, are unworthy of regard. In fact, the detection is as complete as at this distance of time could have been expected in a transaction originally so obscure. See Toland's *Amyntor* ; Wagstaff's *Vindication*.

Vindication of the Royal Martyr; Clarend. State Papers, lii. Supp. 28. 95—7.

NOTE XV. p. 490.

SEE in Wishart, App. 12, 13. 15. the king's letter to Montrose from St. Germain and Jersey. In the first he empowers Montrose to borrow money from the senate of Hamburgh; one half to be employed in his own preparations. *September 5, 1649.* In the second he intreats him to "go on vigorously with your wonted courage" and care in the *prosecution of those trusts I have committed to you*, and not to be startled with any reports you may hear, as if I were otherwise inclined to the presbyterians than when I left you. I assure you I am upon the same principles *I was*, and depend as much as ever upon your undertakings and endeavours for my service." *Sept. 19, 1649.* Montrose had therefore received a special commission or instructions, as Clarendon intimates, not as Hume represents it, a mere renewal of his former commission as captain-general, vol. vii. p. 177. In the third letter, inclosing a copy of his invitation from the Scottish estates, and of his answer, appointing a treaty at Breda, Charles adds, "and to the end you may not apprehend that we intend any thing by these letters, or by the treaty we expect, to give *any the least impediment to your proceedings*, we think fit to let you know, that as we conceive your preparations to have been one effectual motive that has induced them to make the said address to us, so your vigorous proceeding will be a good means to *bring them to such moderation* as probably may produce an agreement and a present union of that whole nation in our service." Charles, therefore, encouraged and incited the invasion as the means to quicken or to procure an agreement on his own

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terms, "Therefore," he concludes, "we require and
 "authorise you to proceed vigorously in your undertaking,
 "and to act in all things in order to it, as you shall judge
 "most necessary for the support thereof, and for our
 "service in that way." *Id.* Clarendon's State Papers, iii.
 App. 94.

NOTE XVI. p. 404.

THE lines written by Montrose with a diamond on his
 prison window, the night before his execution, are
 mentioned by Hume as no despicable proof of his poetical
 genius,

"Let them bestow on every airth (cardinal point)
 a limb,

"Then open all my veins that I may swim,

"To thee, my Maker, in that crimson lake ;

"Then place my parboiled head upon a stake ;

"Scatter my ashes, strew them in the air,

"Lord ! since thou know'st where all these atoms are,

"I'm hopeful thou'lt recover once my dust,

"And confident thou'lt raise me with the just."

His epitaph, written with the point of his sword, on the
 death of Charles I. to mark the extravagance of his genius,
 is in the same strain of bombast.

"Great, good, and just ! could I but rate,

"My griefs and thy too rigid fate,

"I'd weep the world to such a strain,

"That it should once deluge again :

"But since thy loud-tongued blood demands supplies,

"More from Briarius' hands than Argus' eyes,

"I'll sing thy obsequies with trumpets sounds,

"And write thy epitaph with blood and wounds."

Wisbar's App. p. 60.

NOTE XVII. p. 406.

THE passage in Baillie explains the state of parties at the time. "You know too much pleading was for the justice of beheading the king, whatever fault was in the actors. Mr. Guthrie and Mr. Gillespie's debates were passionate against proclaiming the king, till his qualifications for government had first been tried and allowed. You may remember the labour that was taken to hinder the addresses to the king," (Invitations from the Estates and Church,) "and how like it was to have prevailed, *had not the reason, authority, and diligence of Argyle overruled it.* And for all that could be said, the voting of Messrs. Guthrie, Gillespie, Hutcheson, and Durham, that no commissioner should be sent till a change in the king should appear, and when it was carried to send commissioners, the great study of some to make their commissions so rigid, that few had any hope the king would ever assent to them; and when, above hope, the king did yield to them, the industry of the same men to get new instructions posted away to Holland, which, had they come thither before the king's embarking, were expected by all should have ruined the treaty."

NOTE XVIII. p. 411.

"It appeared strange to me when I heard Wariston and Mr. Guthrie speak it out, that it would take a long debate to clear from the covenant the lawfulness of a war with Cromwell and his party; yet, in a short time, it appeared that the quarrel of the king, or covenant, or *any quarrel tending to a war with England,* became to diverse more questionable than it went to be; whether a fear of the troubles of war, or a despair of conquering
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“ the king to the public, or their own personal interest,
 “ or a desire to keep the government not only in the
 “ same form, but in the same hands it was in, drew them
 “ to these changes of former professed principles I cannot
 “ say.—Yet, when the king was brought to Scotland, to
 “ do what either the kirk or state had required, and upon
 “ this agreeance, the noise of Cromwell’s march towards
 “ us was grown loud, sir John Chieflly, Hope, and
 “ Swinton, kept off, by their debates in parliament, the
 “ raising of our armies so long that we were nearly sur-
 “ prised; and when our army was got together at Leith,
 “ the same men helped, by their continual cross-debates,
 “ to keep all in confusion. Their strange affronting of
 “ the king at Leith, their putting him to a new declara-
 “ tion, and when he stuck at some hard expressions con-
 “ cerning the persons of his father and mother, their
 “ procuring from the kirk and state that terrible act of
 “ disclaiming his interest of the 13th August; that same
 “ night, without the kirk’s knowledge, printed it and sent
 “ it to Cromwell with a trumpet.” Baillie, ii. 353.
 Confirmed by a letter from Douglas to Sharp. Wodrow’s
 Hist. Intro. 43. From these, and from the intermediate
 passage quoted in the preceding note, it appears that there
 was a party adverse from the beginning to the king, or to
 a war with England, but over-ruled by Argyle.

NOTE XIX. p. 447.

AB iis cum ab initio multa utiliter essent excogitata, ut
 jus æquabile diceretur, tamen qui sperabatur eventus
 non est consecutus. Nam cum in Scotia nullæ pene
 sint leges, præter conventuum decreta, eaque pleraque non
 in perpetuum, sed in tempus facta, iudicesque, quod in
 se est, lationem legum impediunt, omnium civium bona
 quindecim hominum arbitrio sunt commissa, quibus et
 perpetua est potestas, et imperium planè tyrannicum,
 quippe

quippe quorum arbitria sola sunt pro legibus. Buchan. Hist. Lib. xiv. p. 273. Henry's Hist. vi. 527. 4to.

If Buchanan be rejected as severe or partial, the opinion of Johnstén, a courtly writer, is still more unfavourable.

Hac tempestate (1597) totus ordo judicium, paucorum improbitate et audacia infamatus. Inveteravit tum opinio, et omnium sermone percrebuit, pecuniosum hominem neminem potuisse causa cadere. Alex. Regius, Advocatus acer, ut vehemens, illam labem et ignominiam ordinis callide observans, a clientibus suis pecuniam accepit, quam corruptis judicibus, pro suffragiis, divideret. Hæc et *similia* in causa fuere, ut totus ordo *gravi diuturnaue infamia* laboraret. Neque enim aliam ob causam, plebs ministrorum tribunitiam protestatem tanto studio prosecuta est, nisi ut in concionibus audiret, judicium officium male ac flagitiose exerceri; judicia turpia ac flagitiosa fieri. Johnst. Hist. p. 231.

Under Captain Stewart's or Arran's administration, James's first favourite, the corruption was unbounded. Scotstarvet. Robertson's Hist. ii. 127. Dunbar's administration was not more pure, though more decent; Johnst. 396; witness Logan's and the earl of Orkney's attainders. There is no evidence that the court recovered its purity under the administration of Somerset or Buckingham, before it was reformed by the covenanters; on the contrary, Spottiswood, the president, and Hay, clerk register, laboured under the suspicion of bribery; and their corruption, as judges, was fully verified by Balmerino's trial.—The conclusion of this history will explain the great improvement, since the union, in the administration of justice.

NOTE XX. p. 454.

THE average price of wheat was 13s. 3d. the best, or dearest, 17s. 3d. the boll (about half a quarter); but the

the bread corn of the country was barley and oats. The average price of the former was 13 s. 8 d. and of the latter 10 s. 4 d. the boll; but in 1649 they rose to 14 l. and 15 l. Scots (1 l. 3 s. and 1 l. 5 s. sterling); and sunk in 1654 to 4 l. Scots, or 6 s. 8 d. the boll. By an act for the monthly maintenance, provisions were purchased by the military at a regulated price, oats at 6 s. 8 d. the boll; oat bread of 20, wheat of 16 oz. at 1 d. the pound; a live sheep at 4 s. 2 d. the carcase at 3 s. 4 d.; a lamb at 1 s. 6 d. a kid at 20 d. a live cow at a guinea, a capon at an halfpenny, a hen at three farthings; ale and milk at the same price, not to exceed one penny three farthings the Scotch pint. If these were lower than the current prices, the latter were probably raised by the civil wars. But the cheapness of animal food was at once the cause and effect of a rude cultivation. The state of agriculture was too defective to produce grain at a cheaper rate, or in greater abundance, than butcher's meat. It was not till after the union of the kingdoms, that the advanced price of cattle in the English market enabled the farmer to accumulate a capital for the improvement of his lands.

NOTE XXI. p. 458.

In the Greek and Latin languages, the genders, numbers, and cases of nouns, the voices, moods, tenses, numbers, and persons of verbs, are distinguished, not by particles and auxiliary verbs, but by the coincidence of their final syllables with those inflections peculiar to the declension or conjugation to which they belong. In Latin each substantive is inflected into twelve, each adjective into thirty-six, each verb into seven score terminations, that invariably correspond in sound with every noun and verb of the same declension and conjugation, (nomen, lumen, amabam, recuperabam, &c.) besides their occasional

occasional consonance, (amabam, docebam, amas, foeminas,) with others of a different inflection and species. In Greek the corresponding terminations are still more copious, (in the verbs they exceed a thousand,) from the introduction of a dual number and a middle voice. Hence an infinite number and diversity of rhymes, to which there are no limits but the language itself. Hence too the necessity of inverting the natural arrangement both in prose and verse, to avoid an incessant recurrence of rhyme. If we except the indeclinable adverbs, &c. which are not numerous, rhyme in the ancient languages is at once inherent, and susceptible of the utmost modification in every word. Witness their frequency in the Monkish verses, where, instead of inversion and metrical feet, rhymes and an uniform construction were substituted, in the decline of letters, on account of the extreme facility with which they occurred. They were transferred with more success into the modern languages, whose fortuitous rhymes, resulting not from a regular inflection, but from an accidental consonance of syllables, were less easy and obvious, and productive of greater satisfaction to the ear.

NOTE XXII. p. 482.

LOCKE's account has been generally discredited, that the proposals of the French ambassador, and Monk's consent to assume the government, were overheard by his wife, who was zealous for the restoration, and communicated by Clarges, her brother, to sir Anthony Ashley Cooper, who summoned the council of state, locked the doors, and indirectly accused Monk of the design, nor permitted him to depart till, to remove all scruples, such alterations were made in the army as rendered it no longer at the general's devotion, nor subservient to his views.

views. Locke's Works, vol. iii. Echard. Locke received the account from Shaftesbury himself. It was probably contained in that statesman's memoirs, which, on the trial of Algernon Sidney, were destroyed by Locke. The only real objection to this account is the suspicion entertained of Shaftesbury's veracity; but a remarkable coincidence of circumstances seems to confirm the fact.

1. It is certain that Mazarine tendered his support and assistance to Monk, if he should assume the government; and it is said that Bourdeaux, the French ambassador, as his intelligence of Monk's designs was disproved by the event, was recalled in disgrace. Philips, 695. Echard.

2. It appears that, on information communicated by Clarges of what he knew, and of what farther he was informed, the doors were locked, and the council of state was informed by Ashley Cooper that he had received intimation of a dangerous design, &c. 3. That an additional reform in the army actually took place, of which Burnet was told in general that a small share belonged to Monk, i. 133. Philips, who has preserved these facts, endeavours to explain them away by assuring us that nothing but general professions passed at the interview with the French ambassador; that Clarges applied to Shaftesbury to extricate Monk from the importunities of Scot, Hazlerig, and the republicans to assume the government; but that the general, to exculpate them, humanely declared that there was no such danger in agitation, as they had departed well satisfied with the proceedings of parliament. Unless suspicious of his designs, it is not likely that Clarges would apply without his permission, and, as Philips informs us, communicate his own suspicions to the council of state, to relieve him from importunity. But it is evident that Philips's explanation is too apologetical to remove the remarkable coincidence between these circumstances and Locke's narrative. Philips, 692.

AN
HISTORICAL DISSERTATION
ON THE
GOWRIE CONSPIRACY.

WRITTEN IN 1798.

By JOHN PINKERTON, Esq.

THE Gowrie conspiracy forms one of those problems in modern history, which have hitherto surprised the most credulous, and puzzled the most profound.

It is unnecessary to detail the circumstances of an event so well known to every reader of history. Literature is already loaded with large books on small subjects; and this tract aspires to as much brevity as is consistent with due argument and illustration. It is therefore only designed, first, to recapitulate the opinions already advanced; secondly, to propose a new theory; and thirdly, to offer some arguments in its support.

The following are the only opinions concerning the Gowrie conspiracy, which have hitherto arisen to the author's knowledge.

1. That John, earl of Gowrie, and his brother Alexander Ruthven, were guilty of a conspiracy against the life of James VI. their sovereign, and that the account

published by authority, and probably written by the king himself, is intitled to complete credit.

2. That there was no conspiracy, except by the king and his courtiers, against Gowrie, an enemy to their politics, and possessed of an opulent estate which excited their rapacity.

Of both these opinions Dr. Robertson has demonstrated the fallacy. The reader can easily turn to his arguments; and it is impossible for any rational mind, after perusing the original documents, to embrace either of them.

That respectable historian has started and endeavoured to support another theory.

3. That Gowrie and his brother had no design on the life, but only on the liberty of their sovereign; and that the enterprize was concerted with Elizabeth, queen of England, who, in order to keep James wholly under her power, wished to have his person transferred into England.

In his curious republication of Adamson's poems, Perth 1774, 8vo, Mr. Cant has also reprinted the original accounts of the Gowrie conspiracy, with some valuable remarks and illustrations. Perth still venerates the memory of the unfortunate brothers; and the earl's influence, from his office of hereditary provost of that city, and his opulent possessions in its vicinity, is not even now wholly eradicated. It is therefore no wonder that Mr. Cant should support the *second* opinion; but his answers to Dr. Robertson deserve notice.

1. The earl's father had suffered death only sixteen years before for a similar attempt in seizing the king's person at Ruthven castle.

2. Would Elizabeth have committed such an important enterprize to a youth who only returned from his travels three months before, and had no time to form any firm political connections in Scotland, having been absent for near six years, from August 1594 to the 20th day of May

May, 1600. [He was slain on the fifth of August that year, 1600.]

3. Was it her interest to have the presumptive heir of her crown in England? Sufficient distraction had already arisen from the similar case of Mary; and Elizabeth, it is presumed, deeply regretted that she had ever been permitted to enter that kingdom.

4. The presence of James in England would only have embroiled Elizabeth's favourite policy of not declaring her successor.

5. Robertson (I know not from what authority) says an English ship was observed hovering in the firth of Forth. Why not proceed to the firth of Tay, a less noted, more safe, and expeditious station?

I have used the freedom to abstract Mr. Cant's arguments, and give them in my own words. A few others may be added.

1. Dr. Robertson's theory proceeds in part on the supposed connection of Logau of Restalrig with Gowrie; but that connection is founded on notorious forgeries, the mock letters of Logan, and must be abandoned.

2. It is inconceivable that, amid the exuberance of original papers at this period, not a scrap should be found in the least implicating Elizabeth or any of her ministers.

3. That princess managed affairs solely by her ministers, neither herself nor her favourites appearing in them. Yet amid the jarring parties of this period, and after the accession of James, none reproached the other with this attempt, though a certain mean of overwhelming an adversary. Cecil could not be guilty, as he was corresponding with James in the expectation of his speedily ascending the English throne; and if any other person or faction in England had contrived such a plot, it never could have escaped the eyes of that political lynx, who would certainly have recommended himself to the king's favour by the discovery.

4. The plan could yield no advantage either to protestants or papists. James was, at this period, rather suspected of favouring the latter; but he was too wise to exchange a throne for a mass—and the attempt from either party would only have decided him against their own views.

5. It is inconceivable that Elizabeth should, in extreme age, and with one foot in the grave, form a scheme more bold and decisive than those of her youth. James himself was now in his thirty-fifth year, had been married for eleven years, and had a rising offspring: his power was confirmed by long use and exercise—and the case was extremely different from the *Raid of Ruthven* in 1582, when he was a youth of fifteen, accustomed to be ruled and led by others.

6. A maxim of prudence enjoins us to begin at the end of an important business. What end, what consequences awaited this? Could James have been long confined at the paltry turret of Fastcastle, as Dr. Robertson supposes? But granthimconveyed into England, and the consequences would have been, that Elizabeth, by such tyrannical conduct to a protestant prince, would have lost the affections of the protestants, as by that to his mother she had forfeited all claim to those of the catholics—that by disgracing her intended successor, she violated the tenor of her own measures; and by a deep and indelible disgust rendered him an implacable enemy, while the chief wish of her life had been to keep him a dependent friend. Instead of her wonted wisdom, we should in this instance have found Elizabeth counteracting all the most sacred maxims of her reign, provoking parliamentary remonstrances concerning her successor in the throne, exciting dangerous factions and commotions in her kingdom, and irritations even in her cabinet, injuring the protestant interest all over Europe, and ruining her grand preponderance in it; exposing Scotland to a chance of
 . . . being

being ruled by a Roman Catholic faction, and by a glaring insult uniting the whole Scottish nation in arms and war.

7. The means were not adequate to such an intention. The *Raid of Ruthven* was the conspiracy of a dozen peers and chiefs, who, by seizing the king's person, usurped the government. To have conveyed him into England would have required a yet wider conspiracy; to have retained him a captive, would have demanded at least an equal combination. In this respect the royal account is far more probable than Dr. Robertson's theory; for to have slain the king was the work of one hand; to have confined him, the labour of many.

Other arguments may be unnecessary, as it is believed the earl's innocence will appear in the following pages. It shall only be observed, with regard to the sixth argument here used, that some may object the repeated policy of ancient English monarchs in detaining David II. and James I. prisoners in their kingdom. But such an objection would favour more of pedantry than historical skill, the cases being totally remote and dissimilar; no English influence having been then established in Scotland, no such rash attempt to seize a sovereign in his own territories, no protestant system, no long course of effective policy to counteract.

I now proceed to propose a new theory.

That Alexander Ruthven, a favourite of the queen Anne of Denmark, was the sole author of this attempt, in itself foolish, and weakly conducted, but designed to accomplish some object both had in view; most probably an abdication of the government by James, in favour of prince Henry, and the queen's appointment to the regency.

In proceeding to the arguments for this opinion, I must first assert my firm aversion to the *scandalous chronicle*, to that sort of history which, like the *Anecdota* of Procopius, is rather understood to betray the malignity of the author's heart, than the real vices of the characters.

But on the other hand, equally dangerous are the timidity and tameness of modern history, by which vice and virtue are confounded. The *alto relievo* of ancient history gives vice and virtue the firmest features of discrimination, while modern history is often a sort of pageantry or heraldy, and the same pretty coats of arms, the same pretty coats of character, belong to long successions of kings and queens. An old Scottish proverb says, "that pedigree must be very short which has neither a whore nor a thief in it." At the time when France was blessed with the precious examples of Catherine, and Mary, of Medici, and Anne of Austria, I hardly believe in the immaculate conception of the queens of England and Scotland. It is folly or hypocrisy to emasculate history, in itself a record of truth, and of course rarely a delineation of virtue—and it is only in most modern times that reason is treason (why not jingle in writing of James VI.) and truth a libel.

After these observations the reader may believe, that if I had equal proofs of the adultery of Anne of Denmark as I have of her mere gallantry and *flirtation*, I should have spoken out. But I do not mean to travel out of the record. I do not say that she was guilty with the youthful earl of Murray, basely slain by Huntley (by the king's permission, if not order,) in 1592. But I say that the king had cause to be jealous.

O the bonny earl of Murray,
He was the queen's love.

Ballads, as Selden observes in his *Table Talk*, shew the opinion of nations, as a straw shews how the wind sits; and I always trust national opinion in such affairs: when none dare to write, all dare to think, and some to speak. As, far from possessing the evidence required by the Mahometan law, I have not discovered any positive charge of adultery against Anne of Denmark, but
merely

merely of coquetry, I shall by no means exceed my proofs; and the reader may be contented to believe that Ruthven's success in his plot was *to be* crowned with a tender reward, or that he acted merely as a favourite, as a humble and virtuous knight.

This Dissertation would exceed its proper bounds, were numerous quotations introduced. The reader may safely be referred to the voluminous memoirs, and publications of state papers, of the period, for the character of Anne of Denmark. Of a vigorous and amorous constitution; her beauty approached the masculine. Always bold and intriguing; her want of ability defeated her schemes, and they became invisible because unsuccessful. The feeble constitution of her husband, his native timidity, his disgusting self-sufficiency and pedantry, his subserviency to constant favouritism, his uncouth person and address, were all qualities little adapted to win the female heart, and great coldness often arose between the royal pair. Even at the joyful period of his accession to the English throne there was an indecent quarrel; and the earl of Mar was sent to take the children from her. But a few short extracts, more immediately connected with the present object, must not be omitted.

Sir Henry Neville, in a letter to Mr. Winwood, dated from London, Nov. 15, in the year 1600, three months after the conspiracy, thus writes: "Out of Scotland we hear
 "there is no good agreement between the king of Scots
 "and his wife; and many are of opinion that the discovery
 "of some affection between her and the earl of Gowrie's
 "brother, who was killed with him, was the truest cause
 "and motive of all that tragedy." (Winwood's Memorials, i. 274.) To estimate the great weight of this opinion, the reader must recollect that sir Henry Neville was one of the ablest men of an able period, intimately conversant with state affairs, and who, in his French embassy, displayed wisdom and skill rarely paralleled.

Mr. Winwood himself, in a letter to secretary Cecil, from Paris, 17th May 1601, says, "the ambassador of Scotland hath been advertised of a dangerous practice against the Scots king; that lately, one called Glarnet" (some Scottish name anglicised or francified, or perhaps a Danish confident) "hath been sent out of Scotland with letters to Bothwell," (who so often attempted to imprison or kill James,) "to hasten home with diligence, where he shall find sufficient assistance. The principal person who employed this party is the QUEEN OF SCOTLAND; and letters have been intercepted out of Scotland from Mr. Gray, that the death of Gowrie should shortly be revenged." [Ib. 326.]

This offer to Bothwell, the most determined enemy of James, and the threat of revenge—I tremble to write—almost smell of a husband's blood. They shew *furens quod fœmina possit*.

Sir Edward Peyton, in his Divine Catastrophe, p. 10. observes of Anne of Denmark, "that besides Gowrie's brother, she had a great number of gallants both in Scotland and England."

The great duke of Sully, describing his embassy to the English court in June 1603, thus delineates the new queen. I do not use the common abridgement, but his letter to Henry IV. preserved in the folio edition printed in Sully's own house, and known by the three green VVV in the title; vol. ii. p. 122. "But chiefly the queen for there appears a certain antipathy between her and her husband, which will in time produce no small effects, if not remedied by great prudence, for that woman is of a bold and most enterprising nature, and the king very mild and timid, and who, in her absence, knows her well, and forms fair resolutions on the manner of life which he ought to prescribe to her, but in her presence allows himself to be entirely ruled by her, and can refuse her nothing. Already, against his express order, she

“ she came up accompanied by the earls of Orkney and
 “ Lithgow, and has appointed a great chamberlain for
 “ her household in opposition to the king’s will ; whence
 “ he is enraged against the duke of Lennox, whom
 “ he sent to her to notify his intentions She brought,
 “ up with her the body of the dead child she bore, to shew
 “ the king that it was no falsehood, as some had persuaded
 “ him,” For other particulars, and a most interesting
 detail of the state of the new court, its politics and in-
 triges, the reader is referred to the same masterly hand,
 that genuine edition being little known or consulted.

The gravity of the above solemn testimonies will no
 doubt have its due weight with the reader. So far had
 Anne’s enmity to her husband proceeded, that, by Sully’s
 account, (Ib. p. 123.) she was educating prince Henry
 in the Spanish maxims, and favoured the Roman Catho-
 lics merely because her husband opposed them.

The intrigue between Anne and Alexander Ruthven
 is insinuated in Neville’s letter above quoted. The fol-
 lowing paragraph is from lord Hailes, a severe critic, and
 not disposed to preserve light reports.

“ A report is handed down that lord Gowrie’s brother
 “ received from the queen a ribband which she had got
 “ from the king ; that Mr. Alexander went into the king’s
 “ garden at Falkland on a sultry hot day, and lay down
 “ in a shade and fell asleep. His breast being open, the
 “ king past that way and discovered part of the ribband
 “ about his neck, below his cravat ; upon which he made
 “ quick haste into the palace, which was observed by one
 “ of the queen’s ladies who past the same way. She
 “ instantly took the ribband from his neck, went a nearer
 “ way to the queen’s closet, where she found her majesty
 “ at her toilett, whom she requested immediately to lay
 “ the ribband in a drawer ; she quickly retired, telling
 “ her majesty that she would presently see reason for it.
 “ In a short time the king came in and demanded a sight

“ of the ribband he had lately given her. Her majesty
 “ opened the drawer and presented the ribband to him;
 “ which, when he had attentively considered, he delivered
 “ to her majesty, and retired muttering these words,
 “ *Deil tak me but LIKE is an ill mark.*”

While Alexander Ruthven had, probably by the queen's influence, been appointed of the king's bed-chamber, two of his sisters were maids of honour to Anne. In spite of the loud scandal which must follow her attachment to a family which, by her husband's account, had attempted his life, she continued her favour to the surviving branches.

Nicholson, in a letter 22d September 1602, quoted by Dr. Robertson, mentions the return of Gowrie's two younger brothers into Scotland, and adds, “ the coming
 “ in of these two, and the queen of Scots dealing with
 “ them, and sending away and furnishing Mrs. Beatrix,” [their sister,] “ with such information as sir Thomas
 “ Erskine has given,” [he was with the king, and one of those who slew Alexander Ruthven,] “ hath bred great
 “ suspicion in the king of Scots that they came not in but
 “ upon some dangerous plot.” And in another letter, 1st January 1603, “ the day of writing my last Mrs.
 “ Beatrix Ruthven was brought by the lady Paisley and
 “ Mrs. of Angus, as one of their gentlewomen, into the
 “ court in the evening, and stowed in a chamber prepared
 “ for her by the queen's direction, where the queen had
 “ much time and conference with her. Of this the king
 “ got notice, and shewed his dislike thereof to the queen,
 “ gently reproving her for it, and examining quietly of
 “ the queen's servants of the same and of other matters
 “ thereunto belonging, with such discretion and secrecy
 “ as requires such a matter.”

Osborn, a contemporary, in his works, p. 535. after observing that the Scots in foreign countries laughed at the royal account of this conspiracy, adds, “ but I will
 “ not wade farther in this business, not knowing how
 “ dangerous

“dangerous the bottom may prove, being, by all men’s relations, foul and bloody, having nothing to palliate it but jealousy on the one side, and fear of the other.” Words of portentous brevity! Do they mean that the king’s jealousy sought the life of Ruthven, and that his fear excited him to prevent the attempt by the slaughter of James, in which fear alone made him fail?

All these minute circumstances combine together to present as strong presumptive proof as the case of a plot buried in the bosoms of two persons can be supposed to admit. A question now arises—What was the nature of the plot? As, by all accounts, the project proved too weighty for the mind of Alexander Ruthven, who conducted the business like a madman, it must of course be difficult for reason to explain the actions of insanity. Yet two modes occur in which some answer may be given to this question.

1. By admitting that Ruthven actually became insane, or at least suffered a temporary distraction, by the extreme agitation of his mind, on an occasion which involved his life, fame, and fortunes.

Between the acting of a dreadful thing
And the first motion all the interim is
Like a phantasma or a hideous dream :
The genius and the mortal instruments
Are then in council ; and the state of man,
Like to a little kingdom, suffers then
The nature of an insurrection.

Shaksp. Julius Cesar.

By the royal account he stared and looked like a madman, so that James asked Lennox if he were insane, and the duke answered that he was, on the contrary, esteemed a discreet young gentleman. Allowing this temporary insanity, nothing further can be expected concerning a plan

plan embroiled and frustrated by the madness of the actor.

2. In supposing that Ruthven, though almost distracted, still kept a fixed plan in view, some idea may perhaps arise concerning it. Suppose that Anne's ambition and enmity to her husband lead her to aspire to the regency by his imprisonment, (and the imprisonment of a sovereign is ever a rapid step to death :) and Ruthven has at the same time cause to fear for his life by the jealousy of James, which had such violent effects in the case of Murray a few years before; a conspiracy naturally arises, and if somewhat rationally projected, for Anne was not a woman of ability, might be placed on this footing. Ruthven is, in the first place, not only deeply engaged by the queen's love, and his own danger from the king's jealousy, which last might lull his conscience by the pretext of self-defence, but has no doubt most important promises in case of success. In Henderson's second deposition managed by the court, James tells Ruthven that he could not hope to be king—a strange expression, and almost favouring of madness in James himself—but as, in that account, the conduct of James is represented as cool and determined, the expression says more than meets the ear. Does it not imply the idea that Anne's high favour to Ruthven was to exalt him to a royal power, and does not the king reproach him for being misled by such vain promises?

The plot thus formed, still we are embroiled by Ruthven's distraction in the manner of execution. The first object was deep secrecy; and as there was but one actor, and he a younger brother, without vassals or followers, all must have depended upon art and concealment alone. Ruthven is to inveigle the king to his brother's house in Perth, a town devoted to the Gowrie family, and where assistance was most likely to be had, even if some degree of force became necessary. This *palace* of Gowrie, as it was called, was of great extent, and some parts of it almost uninhabited,

uninhabited, most rarely visited. It had gardens behind extending to the river Tay, by which there was easy access to many remote castles in the highlands. James is to be enticed to the most remote part of this large house, and confined while Alexander Ruthven tells a servant to inform his attendants that he is departed by a back passage, and is a good way on his journey. Perhaps on their departure, perhaps not till the evening, James is to be conducted, either by land or water, to some remote concealment, where he is to be perpetually imprisoned or slain; for an abdication obtained by force could have been of no avail.

Here the reader may be advised to make a pause, and peruse any account of the conspiracy.

He will observe a great deficiency in the evidence of what happened after the king was enticed to the remote cabinet; for Andrew Henderson's depositions vary, not to mention that there is great reason to doubt if he were the man shut up there to guard the king. Spottiswood gives a bad character of Henderson: instead of being tried he was previously acquitted, and had a pension; and it is difficult to reconcile, or at all trust, his depositions. But it seems a broad fact, allowed by all parties, that there was an armed man in the remote cabinet, placed by Ruthven to guard the king, and prevent his making any noise. After threatening the king with death, in case he gave any alarm, and taking his oath that he would not, Ruthven went out to spread the report that James was departed. But it soon occurred to the mind of the conspirator that no oath could bind a man to his sure destruction; as he had firmly secured the door, the window alone remained, and to prevent any endeavour to open it, he attempted to bind the king's hands with a garter—a mere temporary expedient till the attendants should be gone. Meanwhile, the fellow left to guard the king unexpectedly joined him against Ruthven, who was far stronger than
James,

James, and otherwife must have prevailed—after a struggle the window was opened, the royal voice was heard by the attendants, and the plot was annihilated. Ruthven was slain; and Gowrie, innocent of the whole, and only armed to defend or revenge his brother, murdered, as he thought, by some scoundrel courtiers in his own house, also shared the same fate.

To form a more clear comprehension of the business, it may not be unnecessary to state from Henderson's deposition, that Gowrie sat down to dinner at half past twelve, and the king must have arrived about one o'clock; and by the royal account James left Perth near eight in the evening. A tumult of more than two hours intervened between the slaughter of Gowrie and the king's departure. Hence Ruthven and Gowrie were slain between five and six o'clock, about three hours after the king had dined—yet the king, by his account, went with Ruthven to the cabinet immediately after dinner; and the events are so rapid, that, on reading the account, hardly half an hour can be imagined to have past.

That Anne of Denmark was not incapable of such a plot, may further appear from what passed in July 1593, seven years before. She then headed a party in opposition to her husband, which secretly brought Bothwell back into Scotland, who seized the gates of the palace, and entered the royal apartment with a numerous train of armed followers. James expected nothing but death; when Bothwell, affecting submission, was content to reduce him to a state of captivity, and to dismiss his counsellors. The same earl twice afterwards attempted to seize James; and it would be ridiculous to deny that such attempts endangered the very life of the king; and from first to last there are proofs that these enterprises were favoured, if not projected, by the queen.

As a necessary part of my argument, that Alexander Ruthven was the sole mover in this business, I now proceed

proceed to state the circumstances which indicate the innocence of the earl of Gowrie.

1. A contemporary account of some transactions in Perth and its neighbourhood, by one Dundee, bears, "In the yeire of God 1600 yeiris, my lord Gowrie came hame out of France in the month of May, on the xxth day, at eleven houris yetteine to this town, with fundrie barownes and others." He was slain on the 5th August; and as Mr. Cant observes, ten weeks were too short a time for the young earl, after an absence of six years, to look into his private affairs, far less to project plots, before he had had time even to study the state of politics and parties, always fluctuating in his country.

2. The young earl had distinguished himself in Italy and France by his wisdom and learning. It is impossible to believe that he, of all men, should suddenly and crudely project such a scheme, or so madly execute it. His brother Alexander was eminent in personal endowments; of his mental we know nothing: if the favour of a royal mistress, if his own passion, might intoxicate him, the earl's mind was free from such ebriety.

In proceeding to the arguments from the account and depositions published by authority, the reader will at once perceive their infinite weight; inasmuch as every nerve is there strained to implicate the earl; for without his guilt the estate remained unforfeited, and the greedy courtiers unsatisfied. I say not that the king, or they, can justly be blamed for his death, as his guilt was a most natural supposition in the heat of the moment, and his fate proceeded from mistake on both sides. The king's life is thought to be in danger from Alexander, who is slain in the earl's absence: ignorant of his crime Gowrie endeavours, with laudable affection, to avenge his death on the courtiers, and appears to them a sharer in the guilt.

3. Alexander Ruthven, in his previous conference with the king at Falkland, shews an anxious desire

that

DISSERTATION ON THE

that James should proceed to Perth immediately, while Gowrie being at the sermon to be preached that day, they might without his knowledge examine the discovered gold. If Gowrie had been concerned, his presence was essential on the first arrival of James—and it could never have been the wish of Alexander to *secure* his absence. Far less would he, merely to hasten the king, discover a repeated eagerness which justly led to suspicion, while the real object, if Gowrie had been concerned, would have been, that the earl should have been at home, and every incident prepared.

4. Gowrie certainly knew that his brother was gone to Falkland, (Hay's deposition, Crom. 71.) but the rest depends on Henderson's suspicious credit. If he had had the least expectation of the king's visit, he certainly would have delayed dinner, nay, would have prepared a sumptuous entertainment. Instead of this, he dines himself, and the king is forced to wait long for such meagre fare as chance presented; nay, he even waits a long time for a glass of drink, apparently wine brought from some distant cellar in the house. It is even a mere chance that James does not retire in disgust. Is this like a plot to beguile and detain him? Impossible!

5. Instead of expecting the king, or being immersed in a plot, Gowrie sat down to dinner with three neighbouring gentlemen, "Mr. John Moncreif, laird of Pitcreif, Master James Drummond, Alexander Peebles baron of Findowne." (Dep. Crom. 48.) It would be the height of absurdity to believe that the earl should collect witnesses on such an occasion, in which privacy was all in all. One of them, Moncreif, actually gives a deposition against the earl, yet is forced to close with saying that Henderson's deposition is his chief ground. A mere juggle: and his deposition after all, amounts to nothing.

6. Even after the king arrived, Alexander Ruthven is anxious that Gowrie shall not see them whispering.

This

This is natural, if the plot was his own invention—but if his brother knew it, their whispering would have been an useful hint to him that all went on as wished. Ruthven also requests the king to send the earl (evidently much perplexed with the unexpected royal presence, awkwardness of the servants, and meanness of the fare,) out of the chamber to the noble attendants dining in the hall. It is inconceivable, if the earl were guilty, that his presence could have embarrassed Ruthven, or that his absence could serve the plot. Nor can I see what purpose this new art could serve, after all art had been neglected by the confusion in the king's reception and entertainment.

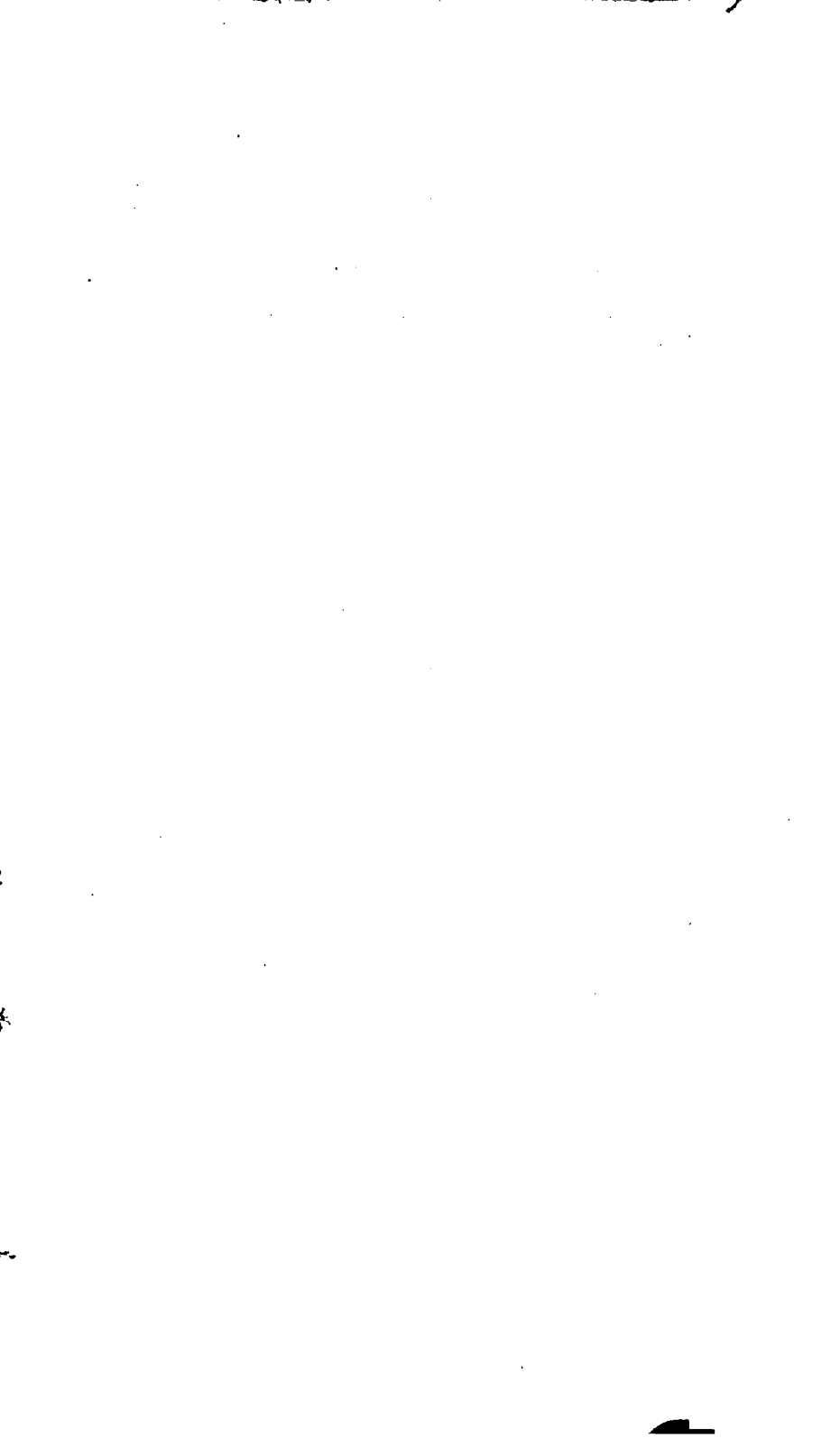
7. If Ruthven, on leaving the king in the cabinet, said he would bring his brother the earl, this can fix no suspicion, for it is clear that Ruthven only went to spread the report that the king was gone, and in all appearance employed Thomas Cranston on this errand. He runs to the hall, and informs the earl and his guests that the king is gone. The royal attendants rush through the square of Gowrie's house to the front gate, in order to take horse, but chancing to ask the porter if the king were long gone, he answers that he is not yet gone. So little plot or preparation appears! The earl, naturally vexed at the contradiction of his servant, steps back, and is informed by his brother, or by his order, that the king was gone by the back gate. Thus certified, and a stranger to the plot, how can he doubt? He repeats the information to the attendants. While they are preparing to take horse, the king's voice is heard. The earl in astonishment asks the meaning of this; is seized by the throat by sir Thomas Erskine, but rescued by his servants. We here lose sight of him for some time, till we find him come with a sword in either hand to avenge his brother's death. Calderwood avouches that only Thomas Cranston was with him, not seven or eight as
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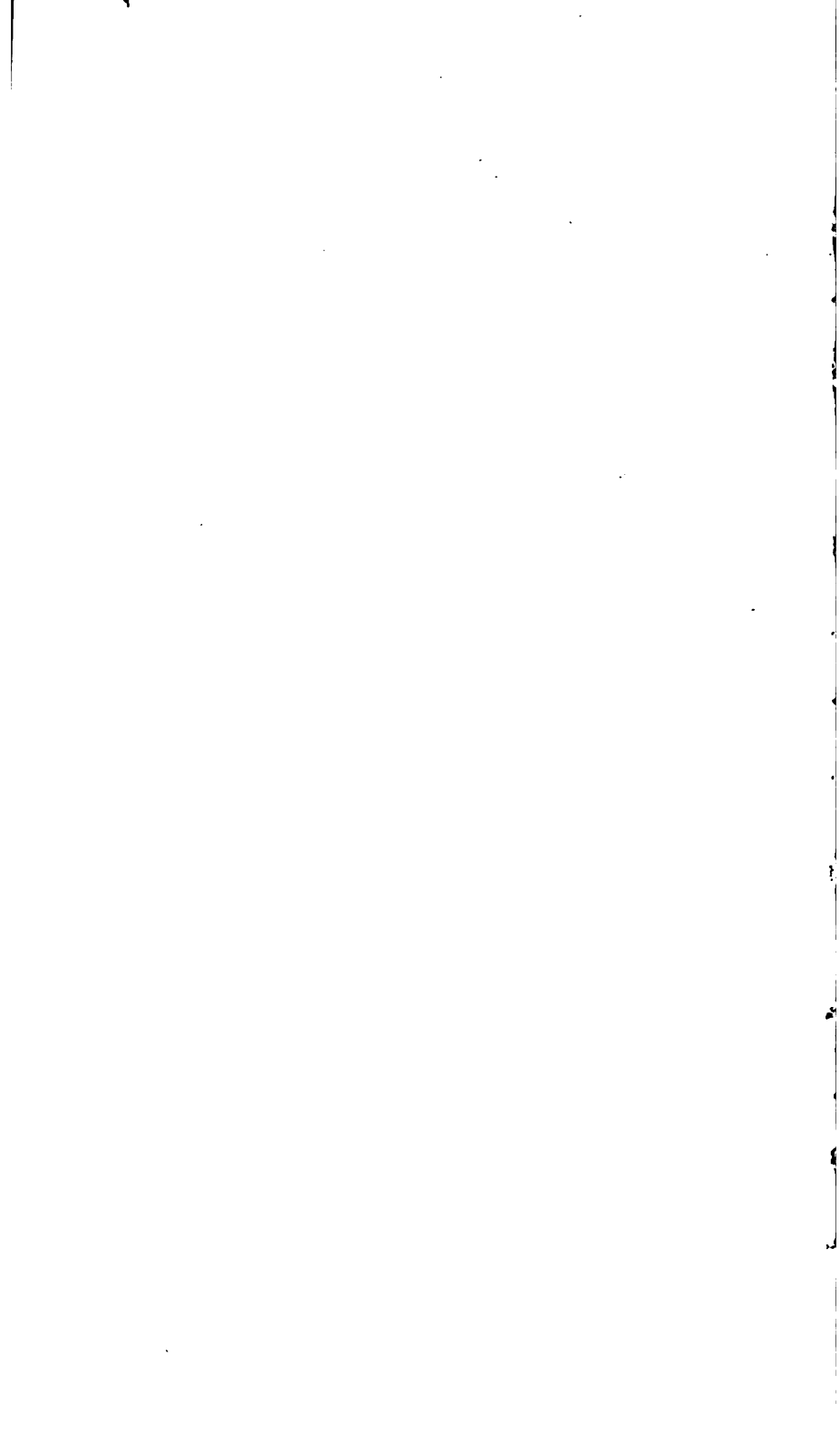
in the royal account. Granting seven or eight, where is the vassalage of Gowrie, which he would doubtless have prepared to support so daring an enterprize? Shall we, with the wise king who wrote the *Demonologie*, believe in Gowrie's magical spells, which no doubt served a great purpose in preventing his bleeding after he was killed—because he was slain with a rapier or small sword, and bled inwardly? *Nugæ!* Suppose the worthy earl, full of learned curiosity, even credulous in charms of cure or preservation, as many of the most wise and learned of that age were, can it in the least affect his character? He was about to be married, is it wonderful that he had learned in Italy and France the prevalent fashion of love-charms? If credulity be a characteristic of guilt, what is a characteristic of innocence?

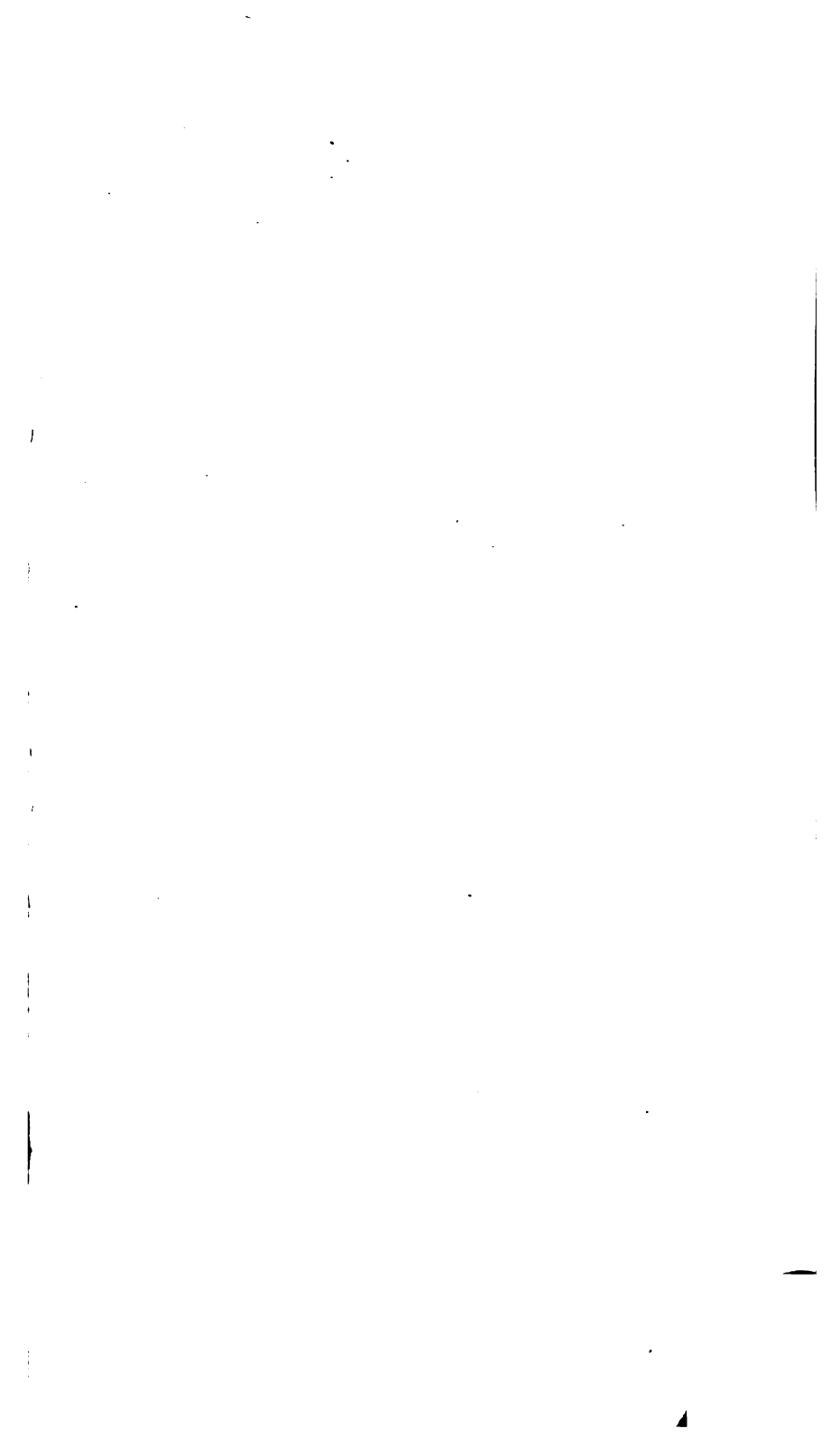
NOT GUILTY UPON MY HONOUR.

My theory and proofs shall here close. I have in vain again and again perused the original materials in order to discover objections—while at the same time it is very possible many strong ones may escape me—perhaps so strong as even to overturn my whole theory of this dark affair, an event which would give me no concern, as truth is my sole pursuit.

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